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THE

HISTORY

OF

England,

FROM THE

INVASION OF JULIUS CÆSAR

TO THE

REVOLUTION IN 1688,

30901

BY

David Hume.

LONDON.

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NOTES.

NOTES

TO

THE FIRST VOLUME.

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[a] Cæsar, lib. 4. [b] Diod. Sic. lib. 4. Mela, lib. 3. cap. 6. Strabo, lib. 4. [c] Dion Cassius, lib. 75. [d] Cæsar, lib. 6. [e] Tacit. Agr. [f] Cæsar, lib. 6. Strabo, lib. 4. [g] Plin. lib. 12. cap. 1. [h] Cæsar, lib. 6. [i] Sueton. in vita Claudii. [k] Tacit. Agr. [l] Tacit. *Ann.* lib. 12. [m] Ibid. lib. 14. [n] Tacit. Agr. [o] Ibid.

[p] This question has been disputed with as great zeal, and even acrimony, between the Scotch and Irish antiquaries, as if the honour of their respective countries were the most deeply concerned in the decision. We shall not enter into any detail on so uninteresting a subject; but shall propose our opinion in a few words. It appears more than probable, from the similitude of language and manners, that Britain either was originally peopled, or was subdued, by the migration of inhabitants from Gaul, and Ireland from Britain. The position of the several countries is an additional reason that favours this conclusion. It appears also probable that the migrations of that colony of Gauls or Celts, who peopled or subdued Ireland, were originally made from the north-west parts of Britain; and this conjecture (if it do not merit a higher name) is founded both on the Irish language, which is a very different dialect from the Welsh, and from the language anciently spoken in South Britain, and on the vicinity of Lancashire, Cumberland, Galloway, and Argyleshire, to that island. These events, as they passed long before the age of history and records, must be known by reasoning alone, which in this case seems to be pretty satisfactory. Cæsar and Tacitus, not to mention a multitude of other Greek and Roman authors, were guided by like inferences. But, besides these primitive facts, which lie in a very remote antiquity, it is a matter of positive and undoubted testimony that the Roman province of Britain, during the time of the lower empire, was much infested by bands of robbers or pirates, whom the provincial Britons called Scots or Scuits; a name which was probably used as a term of reproach, and which these banditti themselves did not acknowledge or assume. We may infer, from two passages in Claudian, and from one in Orosius, and another in Isidore, that the chief seat of these Scots was in Ireland. That some part of the Irish freebooters migrated back to the north-west parts of Britain, whence their ancestors had probably been derived in a more remote age, is positively asserted by Bede, and implied in Gildas. I grant that neither Bede nor Gildas are Cæsars or Tacituses; but, such as they are, they remain the sole testimony on the subject, and therefore must be relied on for want of better. Happily the frivolousness of the question corresponds to the weakness of the authorities. Not to mention that, if any part of the traditional history of a barbarous people can be relied on, it is the genealogy of nations, and even sometimes that of families. It is in vain to argue against these facts from the supposed warlike disposition of the Highlanders, and unwarlike of the ancient Irish. Those arguments are still much weaker than the authorities. Nations change very quickly in these particulars. The Britons were unable to resist the Picts and Scots, and invited over the Saxons for their defence, who repelled those invaders: yet the same Britons valiantly resisted, for one hundred and fifty years, not only this victorious band of Saxons, but infinite numbers more, who poured in upon them from all quarters. Robert Bruce, in 1322, made a peace, in which England, after many defeats, was constrained to acknowledge the independence of his country: yet in no more distant period than ten years after Scotland was totally subdued by a small handful of English, led by a few private noblemen. All history is full of such events. The Irish Scots, in the course of two or three centuries, might find time and opportunities sufficient to settle in North Britain, though we can neither assign the period nor causes of that revolution. Their

barbarous manner of life rendered them much fitter than the Romans for subduing these mountaineers. And, in a word, it is clear, from the language of the two countries, that the Highlanders and the Irish are the same people, and that the one are a colony from the other. We have positive evidence (which, though from neutral persons, is not perhaps the best that may be wished for), that the former, in the third or fourth century, sprang from the latter: we have no evidence at all that the latter sprang from the former. I shall add that the name of Erse, or Irish, given by the low country Scots to the language of the Scotch Highlanders, is a certain proof of the traditional opinion, delivered from father to son, that the latter people came originally from Ireland.

[p] Gildas, Bede, lib. 1. cap. 12. Paul. Diacon. [q] Bede, lib. 1. cap. 12. [r] Ibid. [s] Gildas, Bede, lib. 1. Ann. Beverl. p. 45. [t] Gildas, Bede, lib. 1. cap. 13. Malmesbury, lib. 1. cap. 1. Ann. Beverl. p. 45. [u] Chron. Sax. p. 11. edit. 1692. [w] Ann. Beverl. p. 45. [x] Gildas, Bede, lib. 1. cap. 14. [y] Gildas, Usher, Ant. Brit. p. 248, 347. [z] Gildas, Bede, lib. 1. cap. 17. Constant. in vita Germ.

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[a] Gildas, Gulm. Malm. p. 8. [b] Cæsar, lib. 6. Tacit. de Mor. Germ. [c] Cæsar, lib. 6. Tacit. ibid. [d] Amm. Marcell. lib. 28. Orosius. [e] Ibid. lib. 27. cap. 7. lib. 28. cap. 7. [f] Will. Malm. p. 8. [g] Bede, lib. 1. cap. 15. Saxon Chron. p. 13. Nennius, cap. 28. [h] Saxon Chronicle, p. 12. Gul. Malm. p. 11. Huntington, lib. 2. p. 309. Ethelwerd. Brompton, p. 728. [i] Chron. Sax. p. 12. Ann. Beverl. p. 49. [k] Bede, lib. 1. cap. 15. Nennius, cap. 35. Gildas, § 23. [l] Bede, lib. 1. cap. 15. Usher, p. 226. Gildas, § 24. [m] Nennius, Galfr. lib. 6. cap. 12. [n] Nennius, cap. 47. Galfr. [o] Stillingfleet's Orig. Brit. p. 324, 325.

[p] Bede, lib. 1. cap. 15. Ethelward, p. 833. edit. Camdeni. Chron. Sax. p. 12. Ann. Beverl. p. 78. The inhabitants of Kent and the Isle of Wight were Jutes. Essex, Middlesex, Surrey, Sussex, and all the southern counties to Cornwall, were peopled by Saxons: Mercia, and other parts of the kingdom, were inhabited by Angles.

[q] Chron. Sax. p. 14. Ann. Beverl. p. 81. [r] Saxon Chron. A. D. 485. Flor. Wigorn. [s] Hen. Hunting. lib. 2. [t] Will. Malm. lib. 1. cap. 1. p. 12. Chron. Sax. p. 15. [u] Chron. Sax. p. 17. [w] H. Hunting. lib. 2. Ethelward, lib. 1. Chron. Sax. p. 17. [x] Hunting. lib. 2. [y] Gildas, Saxon Chron. H. Hunting. lib. 2. [z] Matth. West. Huntington, lib. 2.

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[a] Chron. Sax. p. 19. [b] Will. Malmes. p. 19. [c] Ann. Beverl. p. 78. [d] Gildas, Bede, lib. 1. [e] Milton in Kennet, p. 50. [f] Chron. Sax. p. 21. [g] H. Hunting. lib. 2. [h] Greg. of Tours, lib. 9. cap. 26. H. Hunting. lib. 2. [i] Bede, lib. 1. cap. 25. Brompton, p. 729. [k] Bede, lib. 2. cap. 1. Spel. Conc. p. 91. [l] Bede, lib. 1. cap. 23. [m] Greg. Epist. lib. 9. epist. 56. Spel. Conc. p. 82. [n] Higden. Polychron. lib. 5. Chron. Sax. p. 23. [o] Bede, lib. 1. cap. 25. H. Hunting. lib. 3. Brompton, p. 729. Parker Antiq. Brit. Eccl. p. 61. [p] Bede, lib. 1. cap. 25. Chron. W. Thorn. p. 1759. [q] Bede, lib. 1. cap. 25. H. Hunting. lib. 3. Brompton, p. 729. [r] Bede, lib. 1. cap. 26. [s] Ibid. cap. 26. H. Hunting. lib. 3. [t] Bede, lib. 1. cap. 32. Brompton, p. 732. Spel. Conc. p. 86. [u] Bede, lib. 1. cap. 27. Spel. Conc. p. 97, 98, 99, &c.

[w] Augustine asks, 'Si mulier menstrua consuetudine tenetur, an ecclesiam intrare ei licet, aut sacræ communionis sacramenta percipere?' Gregory answers, 'Santæ communionis mysterium in eisdem diebus percipere non debet prohiberi. Si autem ex veneratione magna percipere non præsumitur, laudanda est.' Augustine asks, 'Si post illusionem, quæ per somnum solet accidere, vel corpus Domini quilibet accipere valeat; vel, si sacerdos sit, sacra mysteria celebrare?' Gregory answers this learned question by many learned distinctions.

[x] Bede, lib. 1. cap. 30. Spel. Conc. p. 89. Greg. Epist. lib. 9. epist. 71. [y] Chron. Sax. p. 23, 24. [z] H. Hunting. lib. 3. Spel. Conc. p. 83. Bede, lib. 1. Greg. Epist. lib. 9. epist. 60.

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[a] Bede, lib. 1. cap. 27. [b] Will. Malm. p. 10. [c] Wilkins Leges Sax. p. 13. [d] Bede, lib. 2. cap. 5. [e] Bede, cap. 6. Chron. Sax. p. 26. Higden, lib. 5. [f] Brompton, p. 739. [g] Will. Malm. p. 11. [h] Higden, lib. 5. [i] Chron. Sax. p. 52. [k] Will. Malmes. lib. 1. cap. 1. p. 11. [l] Brompton, p. 779. [m] Trivet, apud Spel. Conc. p. 111. [n] Bede, lib. 2. cap. 2. W. Malmesbury, lib. 1. cap. 3. [o] W. Malmesb. lib. 1. cap. 3. H. Hunting.

lib. 3. Bede. [p] Bede, lib. 2. cap. 12. Brompton, p. 781. [q] Chron. Sax. p. 27. [r] Gul. Malmes. lib. 1. cap. 3. [s] Hunting. lib. 3. [t] Bede, lib. 2. cap. 9. [u] Ibid. Malmes. lib. 1. cap. 3. [w] Bede, lib. 2. cap. 13. Brompton, Higden, lib. 5. [x] Math. West. p. 114. Chron. Sax. p. 29. [y] W. Malm. lib. 1. cap. 3. [z] Bede, lib. 2. cap. 20.

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[a] Bede, lib. 3. cap. 9.

[b] Hugo Candidus, p. 4, says, that he was treacherously murdered by his queen, by whose persuasion he had embraced Christianity; but this account of the matter is found in that historian alone.

[c] Bede, lib. 5. [d] Chron. Sax. p. 59. [e] Brompton, p. 750, 751, 752. [f] Spel. Conc. p. 308. Brompton, p. 776. [g] Spel. Conc. p. 230, 310, 312. [h] Higden, lib. 5. [i] Ingulf, p. 5. W. Malmes. lib. 1. cap. 4. [k] Lib. 1. cap. 4. [l] Chron. Sax. p. 65. [m] Dupin, cent. 8. chap. 4.

[n] Offa, in order to protect his country from Wales, drew a rampart or ditch of a hundred miles in length, from Basinwerke in Flintshire, to the south sea near Bristol. See Speed's Description of Wales.

[o] Ingulf, p. 6. [p] Ingulf, p. 7. Brompton, p. 776. [q] Ingulf, p. 7. [r] Alur. Beverl. p. 87. [s] Chron. Sax. p. 24. [t] Lib. 2. cap. 5. [u] H. Hunting. lib. 3. Brompton, p. 738, 743. Bede. [w] Malmes. lib. 1. cap. 6. [x] Brompton, p. 800. [y] Chron. Sax. p. 22. [z] Higden, lib. 5. Chron. Sax. p. 15. Alur. Beverl. p. 94.

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[a] Bede, lib. 4. cap. 12. Chron. Sax. p. 41. [b] Higden, lib. 5. W. Malmes. lib. 1. cap. 2. [c] W. Malmes. lib. 1. cap. 2. [d] Chron. Sax. p. 16. [e] H. Hunting. lib. 4. [f] Lib. 2. cap. 11. [g] Higden, lib. 5. M. West. p. 152. Asser. in vita Alfredi, p. 3. ex edit. Camdeni. [h] Chron. Sax. A. D. 800. Brompton, p. 801. [i] Chron. Sax. p. 69. [k] Ethelward, lib. 3. cap. 2. [l] Ibid. lib. 3. cap. 3. [m] Ingulf, p. 7, 8, 10. [n] Chron. Sax. p. 71. [o] Ibid.

[p] These abuses were common to all the European churches; but the priests in Italy, Spain, and Gaul, made *some* atonement for them by other advantages which they rendered society. For several ages they were almost all Romans, or, in other words, the ancient natives; and they preserved the Roman language and laws, with some remains of the former civility. But the priests in the Heptarchy, after the first missionaries, were wholly Saxons, and almost as ignorant and barbarous as the laity. They contributed, therefore, little to the improvement of the society in knowledge or the arts.

[q] Bede, lib. 3. cap. 26. [r] Ibid. lib. 5. cap. 23. Epistola Bedæ, ad Egbert. [s] Bedæ Epist. ad Egbert. [t] Append. to Bede, numb. 10. ex edit. 1722. Spelm. Conc. p. 108, 109. [u] Bede, lib. 5. c. 7. [w] See Appendix to Bede, numb. 19. Higden, lib. 5. [x] Eddius vita Wilfr. § 24, 60. [y] Bede, lib. 2. cap. 19. [z] Bede, lib. 5. cap. 21. Eddius, § 24.

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[a] Bede, lib. 2. cap. 2, 4, 20. Eddius, § 12. [b] Bede, lib. 5. cap. 16, 22. [c] Bede, lib. 3. cap. 25. Eddius, § 12. [d] Spel. Conc. vol. i. p. 168. [e] Ibid. p. 171. [f] Ibid. p. 172, 173, 174. [g] Ypod. Neustria, p. 414. [h] Chron. Sax. p. 64. [i] Chron. Sax. p. 66. Alur. Beverl. p. 108. [k] Chron. Sax. p. 72. [l] Ibid. Ethelward, lib. 3. cap. 2. [m] Chron. Sax. p. 72. [n] Wm. Malmes. lib. 2. cap. 2. [o] Chron. Sax. p. 73. Ethelward, lib. 3. cap. 3. [p] Chron. Sax. p. 73. H. Hunting. lib. 5. [q] Alured Beverl. p. 108. [r] H. Hunting. lib. 5. Ethelward, lib. 3. cap. 3. Simeon Dunelm, p. 120. [s] Chron. Sax. p. 74. Asserius, p. 2. [t] Asserius, p. 2. Chron. Sax. 76. Hunt. lib. 5. [u] A mancus was about the weight of our present half crown: see Spelman's Glossary, in verbo Mancus.

[w] W. Malmes. lib. 2. cap. 2. [x] Asserius, p. 3. W. Malm. lib. 2. cap. 2. Matth. West. p. 1, 8. [y] Padre Paolo, sopra beneficii ecclesiastici, p. 51, 52. edit. Colon. 1675. [z] Spel. Conc. vol. i. p. 268.

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[a] Padre Paolo, p. 132. [b] Parker, p. 77. [c] Ingulf, p. 862. Selden's Hist. of Tithes, c. 8. [d] Asserius, p. 2. Chron. Sax. p. 76. W. Malmes. lib. 2. cap. 2. Ethelward, lib. 3. cap. 3. M. West. p. 158. Ingulf, p. 17. Alur. Beverl. p. 95. [e] Asser. p. 6. Chron. Sax. p. 79. [f] Asser. p. 7. W. Malm. lib. 2. cap. 3. Simeon Dunelm, p. 125. Anglia Sacra, vol. 1. p. 205. [g] Asser. p. 2. W. Malm. lib. 2. cap. 2. Ingulf, p. 869. Simeon Dunelm, p. 120, 139. [h] Asser. p. 5. M. West. p. 167. [i] Asser. p. 7. [k] Ibid. p. 22. Simeon Dunelm, p. 121. [l] Asser. p. 8. Chron. Sax.

p. 82. Ethelward, lib. 4. cap. 4. [m] Chron. Sax. p. 83. [n] Asser. p. 8. [o] Ibid. The Saxon Chronicle, p. 82, says nine battles. [p] Asser. p. 9. Alur. Beverl. p. 104. [q] Chron. Sax. p. 84. Alured Beverl. p. 105. [r] Asser. p. 9. [s] Ibid. M. West. p. 170. [t] Chron. Sax. p. 85. W. Malm. lib. 2. cap. 4. Ethelward, lib. 4. cap. 4. Ingulf, p. 26. [u] Asser. p. 10. Chron. Sax. p. 84. Abbas Rieval, p. 395. Alured Beverl. p. 105. [x] Asser. p. 10. [y] W. Malm. lib. 2. cap. 4. [z] Chron. Sax. p. 85.

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[a] Asser. p. 10. Chron. Sax. p. 85. Simeon Dunelm, p. 128. Alured Beverl. p. 105. Abbas Rieval, p. 354. [b] Chron. Sax. p. 85. [c] Asser. p. 10. Chron. Sax. p. 90. [d] W. Malm. lib. 2. cap. 4. Ingulf, p. 26. [e] Asser. p. 11. [f] Asser. p. 15. Chron. Sax. p. 88. Matt. West. p. 171. Simeon Dunelm, p. 131. Brompton, p. 812. Alured Beverl. ex edit. Hearne, p. 106. [g] Asser. p. 18. Ingulf, p. 27. [h] Chron. Sax. p. 92, 93. [i] Spelman's life of Alfred, p. 147. edit. 1709. [k] Asser. p. 9. M. West. p. 179. [l] Asser. p. 11. Chron. Sax. p. 86, 87. Matth. West. p. 176. [m] Asser. p. 19. [n] Chron. Sax. p. 92. [o] Ibid. p. 93. Flor. Wigorn. p. 595. [p] Chron. Sax. p. 93. [q] Ibid. p. 92. [r] Ibid. p. 93. [s] Ibid. p. 96. Flor. Wigorn. p. 596. [t] Chron. Sax. p. 94. M. West. p. 178. [u] M. West. p. 179. [x] Chron. Sax. p. 94. [y] Ibid. Matth. West. p. 179. Flor. Wigorn. p. 596. [z] Chron. Sax. p. 95.

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[a] Chron. Sax. p. 97. [b] Flor. Wigorn. p. 598. [c] Asser. p. 21. Chron. Sax. p. 99. [d] Asser. p. 13. [e] Asser. p. 5. [f] Leges St. Edw. cap. 20. apud Wilkins, p. 202. [g] Leg. Edw. cap. 2. [h] Fœdus Alfred, and Gothurn, apud Wilkins, cap. 3. p. 47. Leg. Ethelstani, cap. 2. apud Wilkins, p. 58. LL. Ethelr. § 4. Wilkins, p. 117. [i] Spelman, in voce Wapentake. [k] Ingulf, p. 870. [l] Asser. p. 20. [m] Ibid. p. 18, 21. Flor. Wigorn. p. 594. Abbas Rieval, p. 355. [n] Flor. Wigorn. p. 594. Brompton, p. 814. [o] Le Miroir de Justice, chap. 2. [p] Asser. p. 20. [q] Le Miroir de Justice. [r] Ingulf, p. 27. [s] W. Malmes. lib. 2. cap. 4. [t] Asser. p. 24. [u] A hyde contained land sufficient to employ one plough. See H. Hunt. lib. 6. in A. D. 1008. Annal. Waverl. in A. D. 1083. Gervase of Tilbury says, it commonly contained about one hundred acres.

[w] Asser. p. 20. W. Malmes. lib. 2. cap. 4. Ingulf, p. 870. [x] Asser. p. 4, 12, 13, 17. [y] W. Malm. lib. 4. cap. 4. [z] Asser. p. 13.

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[a] Spelman, p. 124. Abbas Rieval, p. 355. [b] W. Malm. lib. 2. cap. 4. Brompton, p. 814. [c] Asser. p. 13. Flor. Wigorn. p. 588. [d] Asser. p. 20. [e] Ibid. W. Malmes. lib. 2. cap. 4. [f] W. Malmes. lib. 2. cap. 4. [g] Ibid. cap. 5. Hoveden, p. 421. [h] Chron. Sax. p. 99, 100. [i] Ibid. p. 100. H. Hunting. lib. 5. p. 352. [k] Chron. Sax. p. 100. H. Hunting. lib. 5. p. 352. [l] Chron. Sax. p. 100. Chron. Abb. St. Petri de Burgo, p. 24. [m] Chron. Sax. p. 101. Brompton, p. 832. [n] Chron. Sax. p. 102. Brompton, p. 832. Matth. West. p. 181. [o] Chron. Sax. p. 108. Flor. Wigorn. p. 601. [p] Chron. Sax. p. 110. Hoveden, p. 421. [q] W. Malmes. lib. 2. cap. 5. Matth. West. p. 182. Ingulf. p. 28. Higden, p. 261. [r] Chron. Sax. p. 110. Brompton, p. 831. [s] Page 110. [t] W. Malm. lib. 2. cap. 6. Spel. Conc. p. 407. [u] W. Malm. lib. 2. cap. 6. [w] Chron. Sax. p. 111. Hoveden, p. 422. H. Hunting. lib. 5. p. 354. [x] Hoveden, p. 422. [y] W. Malmes. lib. 2. cap. 6. Anglia Sacra, vol. i. p. 212.

[z] The office of chancellor among the Anglo-Saxons resembled more that of a secretary of state, than that of our present chancellor. See Spelman in voce Cancellarius.

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[a] W. Malmes. lib. 2. cap. 6. Higden, p. 263. [b] Brompton, p. 839. Ingulf, p. 29. [c] Chron. Sax. p. 114. [d] W. Malmes. lib. 2. cap. 7. Brompton, p. 857. [e] Osberne in Anglia Sacra, tom. 2. p. 92. [f] Osberne, p. 91. [g] See Wharton's notes to Anglia Sacra, tom. 2. p. 91. Gervase, p. 1645. Chron. Wint. MS. apud Spel. Conc. p. 434. [h] Osberne, p. 95. Matth. West. p. 187. [i] Osberne, p. 96. [k] Osberne, p. 97. [l] Ibid. p. 102. Wallingford, p. 541. [m] Spel. Conc. vol. 1. p. 452. [n] Chron. Sax. p. 115. [o] H. Hunting. lib. 5. p. 356. [p] W. Malmes. lib. 2. cap. 7. [q] Ibid. [r] Wallingford, p. 542. [s] W. Malmes. lib. 2. cap. 7. Osberne, p. 83, 105. M. West. p. 195, 196. [t] Wallingford, p. 542. Alur. Beverl. p. 112. [u] Osberne, p. 84. Gervase, p. 1644. [w] Hoveden, p. 425. [x] Osberne, p. 84. Gervase, p. 1645,

1646. [f] Chron. Sax. p. 117. Flor. Wigorn. p. 605. Wallingford, p. 544. [g] Hoveden, p. 425. Osberne, p. 109.

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[a] Brompton, p. 863.

[b] There is a seeming contradiction in ancient historians with regard to some circumstances in the story of Edwy and Elgiva. It is agreed that this prince had a violent passion for his second or third cousin Elgiva, whom he married, though within the degrees prohibited by the canons. It is also agreed that he was dragged from a lady on the day of his coronation, and that the lady was afterwards treated with the singular barbarity above mentioned. The only difference is that Osberne and some others call her his strumpet, not his wife, as she is said to be by Malmesbury. But this difference is easily reconciled; for, if Edwy married her contrary to the canons, the monks would be sure to deny her to be his wife, and would insist that she could be nothing but his strumpet: so that, on the whole, we may esteem this representation of the matter as certain; at least as by far the most probable. If Edwy had only kept a mistress, it is well known that there are methods of accommodation with the church which would have prevented the clergy from proceeding to such extremities against him; but his marriage, contrary to the canons, was an insult on their authority, and called for their highest resentment.

[c] Higden, p. 265.

[d] Many of the English historians make Edgar's ships amount to an extravagant number, to three thousand, or three thousand six hundred: see Hoveden, p. 426. Flor. Wigorn. p. 607. Abbas Rieval, p. 360. Brompton, p. 869, says that Edgar had four thousand vessels. How can these accounts be reconciled to probability, and to the state of the navy in the time of Alfred? W. Thorne makes the whole number amount to only three hundred, which is more probable. The fleet of Ethelred, Edgar's son, must have been short of one thousand ships; yet the Saxon Chronicle, p. 137, says it was the greatest navy that ever had been seen in England.

[e] Spell. Conc. p. 432. [f] W. Malmes. lib. 2. cap. 8. Hoveden, p. 406. H. Hunting. lib. 5. p. 356. [g] Chron. Sax. p. 117, 118. W. Malmes. lib. 2. cap. 8. Hoveden, p. 425, 426. Osberne, p. 112. [h] W. Malmes. lib. 2. cap. 8. Hoveden, p. 425. [i] Gervase, p. 1646. Brompton, p. 864. Flor. Wigorn. p. 606. Chron. Abb. St. Petri de Burgo, p. 27, 28. [k] Abbas Rieval, p. 360, 361. Spell. Conc. p. 476, 477, 478. [l] Chron. Sax. p. 118. W. Malmes. lib. 2. cap. 8. Selden Spicileg. ad Eadm. p. 149, 157. [m] W. Malm. lib. 2. cap. 8. Osberne, p. 3. Diceto, p. 457. Higden, p. 265, 267, 268. Spell. Conc. p. 481. [n] Osberne, p. 111. [o] W. Malmes. lib. 2. cap. 8. Higden, p. 268. [p] W. Malm. lib. 2. cap. 8. Hoveden, p. 426. Brompton, p. 865, 866. Flor. Wigorn. p. 606. Higden, p. 268. [q] Chron. Sax. p. 116. H. Hunting. lib. 5. p. 356. Brompton, p. 865. [r] W. Malmes. lib. 2. cap. 8. [s] Ibid. cap. 6. Brompton, p. 858. [t] Hoveden, p. 427. Eadmer, p. 3. [u] Eadmer, ex edit. Selden, p. 3. [v] W. Malm. lib. 2. cap. 9. Hoveden, p. 427. Osberne, p. 113. [w] Chron. Sax. p. 123. W. Malmes. lib. 2. cap. 9. Hoveden, p. 427. Brompton, p. 870. Flor. Wigorn. p. 607. [x] W. Malmes. lib. 2. cap. 9.

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[a] W. Malm. lib. 2. cap. 9. Osberne, p. 112. Gervase, p. 1647. Brompton, p. 870. Higden, p. 269. [b] Chron. Sax. p. 124. W. Malmes. lib. 2. cap. 9. Hoveden, p. 427. H. Hunting. lib. 5. p. 357. Gervase, p. 1647. Brompton, p. 870. Flor. Wigorn. p. 607. Higden, p. 269. Chron. Abb. St. Petri de Burgo, p. 29.

[c] Chron. Sax. p. 124. [d] Ibid. p. 126. [e] Ibid. p. 127. W. Malm. p. 62. Higden, p. 270. [f] Chron. Sax. p. 128. W. Malm. p. 62. [g] Hoveden, p. 429. Chron. Mailr. p. 153. [h] H. Hunt. p. 359. Higden, p. 271. [i] Dudo, ex edit. Duchesne, p. 70, 71. Gul. Gemeticensis, lib. 2. cap. 2, 3. [k] Dudo, p. 71. Gul. Gem. in epist. ad Gul. Conq. [l] Gul. Gemet. lib. 2. cap. 6. [m] Dudo, p. 82. [n] Ypod. Neust. p. 417. [o] Gul. Gemet. lib. 2. cap. 17. [p] Ibid. cap. 19, 20, 21. [q] Order. Vitalis, p. 459. Gul. Gemet. lib. 4. cap. 1. [r] Order. Vitalis, p. 459. [s] Wallingford, p. 547.

[t] Almost all the ancient historians speak of this massacre of the Danes as if it had been universal, and as if every individual of that nation throughout England had been put to death. But the Danes were almost the sole inhabitants in the kingdoms of Northumberland and East Anglia, and were very numerous in Mercia. This representation, therefore, of the matter is absolutely impossible. Great resistance must have been made, and violent wars

ensued; which was not the case. This account given by Wallingford, though he stands single, must be admitted as the only true one. We are told that the name 'Lurdane,' lord Dane, for an idle lazy fellow, who lives at other people's expense, came from the conduct of the Danes, who were put to death. But the English princes had been entirely masters for several generations, and only supported a military corps of that nation. It seems probable, therefore, that it was these Danes only that were put to death.

[u] There were two hundred forty-three thousand six hundred hides in England. Consequently the ships equipped must be seven hundred and eighty-five. The cavalry was thirty thousand four hundred and fifty men.

[x] W. Malm. p. 72. In one of these sieges, Canute diverted the course of the Thames, and by that means brought his ships above London bridge. [y] Chron. Sax. p. 151. W. Malm. p. 73. [z] W. Malm. p. 73. Higden, p. 275.

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[a] W. Malm. p. 74. [b] Chron. Sax. p. 154. W. Malm. p. 76. [c] H. Hunt. p. 365. Ypod. Neuster. p. 434. Hoveden, p. 438. Chron. Mailr. p. 156. Higden, p. 277. Chron. St. Petri de Burgo, p. 39. Sim. Dun. p. 179. Abbas Rieval, p. 366, 374. Brompton, p. 935. Gul. Gem. lib. 7. cap. 11. Matth. West. p. 209. Flor. Wigorn. p. 622. Alur. Beverl. p. 118.

[d] Spell. Gloss. in verbo Hocday. [e] Anglia Sacra, vol. i. p. 237. [f] Higden, p. 277.

[g] Ingulf, p. 62. [h] Ibid. [i] Chron. Sax. p. 161. [k] W. Malm. p. 80. [l] Chron. Sax. p. 157. [m] W. Malm. p. 80. Higden, p. 277. Abbas Rieval, p. 366, 377. Matth. Westm. p. 221. Chron. Thom. Wykes, p. 21. Anglia Sacra, vol. i. p. 241. [n] Chron. Sax. p. 163. W. Malmes. p. 81. Higden, p. 279.

[o] Chron. Sax. p. 163. W. Malmes. p. 81.

[p] Sim. Dunelm, p. 186. [q] Chron. Sax. p. 166. [r] Ibid.

[s] The ingenious author of the article GODWIN, in the Biographia Britannica, has endeavoured to clear the memory of that nobleman, upon the supposition that all the English annals had been falsified by the Norman historians after the conquest. But that this supposition has not much foundation appears hence, that almost all these historians have given a very good character of his son Harold, whom it was much more the interest of the Norman cause to blacken.

[t] Brompton, p. 948. [u] W. Malm. p. 79. Hoveden, p. 443. Chron. Mailr. p. 158. Buchanan, p. 115. edit. 1715. [x] Ingulf, p. 68. [y] Brompton, p. 910. [z] W. Malm. p. 95.

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[a] Ypod. Neust. p. 452. [b] W. Malm. p. 95. Gul. Gemet. lib. 7. cap. 1. [c] W. Malm. p. 97. [d] Hoveden, p. 442. Ingulf, p. 65. Chron. Mailr. p. 157. Higden, p. 279.

[e] Ingulf, p. 68. Gul. Gemet. lib. 7. cap. 31. Order. Vitalis, p. 492. [f] Wace, p. 459, 460. MS. penes Carte, p. 354. W. Malmes. p. 93. H. Hunt. p. 366. Hoveden, p. 449. Brompton, p. 947. [g] Order. Vitalis, p. 492.

[h] The whole story of the transactions between Edward, Harold, and the duke of Normandy, is told so differently by the ancient writers, that there are few important passages of the English history liable to so great uncertainty. I have followed the account which appeared to me the most consistent and probable. It does not seem likely that Edward ever executed a will in the duke's favour, much less that he got it ratified by the states of the kingdom, as is affirmed by some. The will would have been known to all, and would have been produced by the Conqueror, to whom it gave so plausible, and really so just, a title; but the doubtful and ambiguous manner, in which he seems always to have mentioned it, proves that he could only plead the known intentions of that monarch in his favour, which he was desirous to call a will. There is indeed a charter of the Conqueror preserved by Dr. Hickes, vol. i. where he calls himself 'rex hereditarius,' meaning heir by will; but a prince, possessed of so much power, and attended with so much success, may employ what pretence he pleases. It is sufficient to refute his pretences to observe that there is a great difference and variation among historians with regard to a point which, had it been real, must have been agreed upon by all of them.

Again, some historians, particularly Malmesbury and Matthew of Westminster, affirm that Harold had no intention of going over to Normandy, but that, taking the air in a pleasure boat on the coast, he was driven over by stress of weather to the territories of Guy count of Ponthieu. But, besides that this story is not probable in itself, and is contradicted by most of the ancient historians, it is contradicted by a very curious and authentic monument lately discovered. It is a tapestry, preserved in the ducal palace of Roüen, and supposed to have

been wrought by orders of Matilda, wife to the emperor. At least it is of very great antiquity. Harold is there represented as taking his departure from king Edward in execution of some commission, and mounting his vessel with a great train. The design of redeeming his brother and nephew, who were hostages, is the most likely cause that can be assigned; and is accordingly mentioned by Eadmer, Hoveden, Brompton, and Simeon of Durham. For a farther account of this piece of tapestry, see Histoire de l'Academie de Literature, tom. ix. page 535.

[i] Spelm. in verbo Belliva. [k] G. Pict. p. 196. Ypod. Neust. p. 436. Order. Vitalis, p. 492. M. West. p. 221. W. Malm. p. 93. Ingulf, p. 68. Brompton, p. 957. Knyghton, p. 2339. H. Hunt. p. 210. Many of the historians say, that Harold was regularly elected by the states: some, that Edward left him his successor by will. [l] Order. Vitalis, p. 492. [m] W. Malm. p. 99. Higden, p. 285. Matth. West. p. 222. De Gest. Angl. incerto auctore, p. 331. [n] Gul. Gemet. lib. 7. cap. 30. [o] Gul. Pictavensis, p. 198. [p] Gul. Gemet. lib. 7. cap. 33. [q] Gul. Pict. p. 198. [r] Baker, p. 22. edit. 1684. [s] Camden. Introd. ad Britann. p. 212. 2d edit. Gibs. Verstegan, p. 173. [t] Gul. Gemet. lib. 7. cap. 34. [u] Ordericus Vitalis, p. 501. [x] Higden, p. 285. Order. Vitalis, p. 500. Matth. Paris, edit. Parisis, anno 1644, p. 2. [y] Higden, p. 286. [z] W. Malm. p. 201. De Gest. Angl. p. 332.

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[a] H. Hunt. p. 368. Brompton, p. 959. Gul. Pict. p. 201. [b] Gul. Pict. 201. Order. Vital. p. 501. [c] W. Malm. p. 101. Higden, p. 286. Matth. Westm. p. 223. Du Cange's Glossary in verbo Cantilena Rolandi.

[d] We know of one change, not inconsiderable, in the Saxon constitution. The Saxon Annals, p. 49, inform us, that it was in early times the prerogative of the king to name the dukes, earls, aldermen, and sheriffs of the counties. Asser, a contemporary writer, informs us, that Alfred deposed all the ignorant aldermen, and appointed men of more capacity in their place: yet the laws of Edward the Confessor, § 35, say expressly, that the heretoghs or dukes, and the sheriffs, were chosen by the freeholders in the folkmote, a county court, which was assembled once a year, and where all the freeholders swore allegiance to the king.

[e] Sometimes abbesses were admitted; at least, they often sign the king's charters or grants. Spelm. Gloss. in verbo Parliamentum.

[f] Wilkins passim.

[g] It appears, from the ancient translations of the Saxon annals and laws, and from king Alfred's translation of Bede, as well as from all the ancient historians, that comes in Latin, alderman in Saxon, and earl in Dano Saxon, were quite synonimous. There is only a clause in a law of king Athelstan's (see Spelm. Conc. p. 406) which has stumbled some antiquaries, and has made them imagine that an earl was superior to an alderman. The weregild, or the price of an earl's blood, is there fixed at fifteen thousand thrismas, equal to that of an archbishop; whereas that of a bishop and alderman is only eight thousand thrismas. To solve this difficulty we must have recourse to Selden's conjecture (see his Titles of Honour, chap. v. p. 603, 604) that the term of earl was in the age of Athelstan just beginning to be in use in England, and stood at that time for the atheling, or prince of the blood, heir to the crown. This he confirms by a law of Canute, § 55, where an atheling and an archbishop are put upon the same footing. In another law of the same Athelstan the weregild of the prince or atheling is said to be fifteen thousand thrismas. See Wilkins, p. 71. He is therefore the same who is called earl in the former law.

[h] Brady's Treatise of English Boroughs, p. 3, 4, 5, &c.

[i] There is some reason to think that the bishops were sometimes chosen by the Witten-agemot, and confirmed by the king. Eddius, cap. 2. The abbots in the monasteries of royal foundation were anciently named by the king; though Edgar gave the monks the election, and only reserved to himself the ratification. This destination was afterwards frequently violated; and the abbots, as well as bishops, were afterwards all appointed by the king; as we learn from Ingulf, a writer contemporary to the conquest. [k] Hist. Eliensis, lib. 2. cap. 40. [l] Hist. Rames. § 3. p. 387.

[m] Roger Hoveden, giving the reason why William the Conqueror made Cospatric earl of Northumberland, says, 'Nam ex materno sanguine attinebat ad eum honor illius comitatûs. Erat enim ex matre Algitha, filia Uthredi comitis.' See also Sim. Dun. p. 205. We see in those instances the same tendency towards rendering offices hereditary, which took place, during a more early period, on the continent;

and which had already produced there its full effect.

[a] Brady's Treatise of Boroughs, 3, 4, 5, &c. The case was the same with the freemen in the country. See Pref. to his Hist. p. 8, 9, 10, &c.

[b] LL. Edw. Confes. § 8. apud Ingulf.

[c] Dissert. Epist. p. 21. [d] Nithard. Hist. lib. 4. [e] Spelm. Feuds and Tenures, p. 40.

[f] Wilkins, p. 71. [g] Selden, Titles of Honour, p. 515. Wilkins, p. 70. [h] Winchester, being the capital of the West Saxon monarchy, was anciently a considerable city. Gul. Pict. p. 210.

[i] Norwich contained seven hundred and thirty-eight houses, Exeter three hundred and fifteen, Ipswich five hundred and thirty-eight, Northampton sixty, Hertford one hundred and forty-six, Canterbury two hundred and sixty-two, Bath sixty-four, Southampton eighty-four, Warwick two hundred and twenty-five. See Brady of Boroughs, p. 3, 4, 5, 6, &c. These are the most considerable he mentions. The account of them is extracted from Domesday-book.

[k] Brady's Treatise of Boroughs, p. 10. There were six wards, besides the archbishop's palace; and five of these wards contained the number of families here mentioned, which, at the rate of five persons to a family, makes about seven thousand souls. The sixth ward was laid waste.

[l] P. 102. See also de Gest. Angl. p. 333.

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[a] LL. Inæ, § 70. These laws fixed the rents for a hide; but it is difficult to convert it into modern measures. [b] General Preface to his Hist. p. 7, 8, 9, &c. [c] LL. Edg. § 14. apud Spelm. Conc. vol. i. p. 471. [d] Spelm. Gloss. in verb. Servus. [e] LL. Ælf. § 20. [f] Ibid. § 17. [g] Tacit. de Morib. Germ. [h] LL. Inæ, § 11. LL. Ælf. § 12. [i] Higden, lib. 1. cap. 50. LL. Edw. Conf. § 26. Spelm. Conc. vol. i. p. 415. Gloss. in verb. Haligemot et Infangenthefe. [k] LL. Edg. § 5. [l] Wilkins, p. 78. LL. Canut. § 17. Wilkins, p. 136.

[m] Hickes, Dissert. Epist. p. 2, 3, 4, 5, 6, 7, 8. [n] LL. Edg. § 2. Wilkins, p. 77. LL. Canut. § 18. apud Wilkins, p. 136. [o] LL. Edw. Conf. § 31. [p] LL. Ethelst. § 20. [q] Hickes, Dissert. Epist. [r] LL. Fris. tit. 2. apud Lindenbrog. p. 491. [s] LL. Æthelb. § 23. LL. Ælf. § 27. [t] Called by the Saxons mægbota.

[u] Tacit. de Morib. Germ. The author says, that the price of the composition was fixed; which must have been by the laws and the interposition of the magistrates.

[x] Besides paying money to the relations of the deceased and to the king, the murderer was also obliged to pay the master of a slave or vassal a sum as the compensation for his loss. This was called the Manbote. See Spel. Gloss. in verb. Fredum, Manbot.

[y] LL. Ælfr. § 28. Wilkins, p. 43. [z] LL. Inæ, § 9. [a] LL. Edm. § 1. Wilkins, p. 73.

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[a] LL. Edm. § 3. [b] Ibid. § 2. [c] Ibid. § 4. [d] Ibid. § 7. [e] Tit. 63. [f] Wilkins, p. 71, 72. [g] LL. Elthredi, apud Wilkins, p. 110. [h] Tyrrel, Introduct. vol. i. p. 126. Carte, vol. i. p. 366. [i] Lindenbrogius, passim. [k] Tac. de Mor. Germ. [l] LL. Ælf. § 12. Wilkins, p. 29. It is probable, that by wilful murder Alfred means a treacherous murder, committed by one who has no declared feud with another. [m] LL. Ælf. § 4. Wilkins, p. 35. [n] LL. Ælf. § 40. See also LL. Ethelb. § 34, &c. [o] LL. Ethelb. § 32.

[p] Exod. xxi. 29, 30. [q] LL. Æthelst. § 12. [r] Ibid. § 10, 12. LL. Edg. apud Wilkins, p. 80. LL. Ethelredi, § 4. apud Wilkins, p. 103. Hloth. and Eadm. § 16. LL. Canut. § 22.

[s] LL. Inæ, § 12. [t] Ibid. § 37. [u] LL. Æthelst. § 2. Wilkins, p. 63. [x] LL. Ethelr. apud Wilkins, p. 110. LL. Ælf. § 4. Wilkins, p. 35. [y] LL. Hloth. and Eadm. § 12, 13. LL. Ethelr. apud Wilkins, p. 117.

[z] Sometimes the laws fixed easy general rules for weighing the credibility of witnesses. A man whose life was estimated at one hundred and twenty shillings, counterbalanced six ceorles, each of whose lives was only valued at twenty shillings, and his oath was esteemed equivalent to that of all the six. See Wilkins, p. 72.

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[a] Præf. Nicol. ad Wilkins, p. 11. [b] LL. Burgund. cap. 45. LL. Lomb. lib. 2. tit. 55. cap. 34. [c] LL. Longob. lib. 2. tit. 55. cap. 23. apud Lidenb. p. 661. [d] See Desfontaines and Beaumanoir. [e] LL. Frison. tit. 14. apud Lindenbrogium, p. 496. [f] Du Cange, in verb. Crux. [g] Spelm. in verb. Ordeal. Parker, p. 155. Lindenbrog. p. 1299.

[h] LL. Inæ, § 77. [i] Sometimes the person accused walked barefoot over red-hot iron. [k] Spelm. in verb. Ordealium. [l] Spelm. in verb. Corsned. Parker, p. 156. Text. Ruffens. p. 33.

[m] On the death of an alderman, a greater or lesser thane, there was a payment made to the king of his best arms; and this was called his heriot: but this was not of the nature of a relief. See Spelm. of Tenures, p. 2. The value of this heriot was fixed by Canute's laws, § 69.

[n] Bracton de Acqu. rer. domin. lib. 2. cap. 16. See more fully Spelman of feuds and tenures, and Craigius de jure feud. lib. 1. dieg. 7.

[o] Spelm. Conc. vol. i. p. 256. [p] Inæ, § 51. [q] Spelm. of feuds and tenures, p. 17.

[r] Spelm. Conc. vol. i. p. 195. [s] Ibid. p. 340. [t] Chron. Sax. p. 128. [u] LL. Edw. Con. § 12. [x] LL. Ælf. § 40. [y] Fleetwood's Chron. Pretiosum, p. 27, 28, &c.

[z] LL. Inæ, § 69.

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[a] Wilkins, p. 66. [b] Ibid. p. 126. [c] Ibid. [d] LL. Inæ, § 38. [e] P. 121. [f] Hist. Rames. p. 415. [g] Hist. Eliens. p. 473. [h] Ibid. p. 471. [i] Wilkins, p. 126. [k] Ibid. p. 56. [l] Monast. Anglic. vol. ii. p. 528. [m] Mat. Paris. [n] Fleetwood, p. 83, 94, 96, 98. [o] P. 157. [p] LL. Ælf. § 37. apud Wilkins, p. 43. [q] Wilkins, p. 83. [r] Ibid. p. 96, 97. Spelm. Conc. p. 473. [s] Gul. Pict. p. 202. [t] Ibid. p. 205. Order. Vitalis, p. 502. Hoveden, p. 449. Knyghton, p. 2343. [u] Gul. Pictav. p. 204. [x] Ibid. [y] Hoveden, p. 450. Flor. Wigorn. p. 634. [z] Gul. Pict. p. 205. Order. Vital. p. 503.

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[a] Gul. Pict. p. 205. [b] Ibid. [c] Eadmer, p. 6. [d] Order. Vital. p. 503.

[e] Malmesbury, p. 271, says, that he also promised to govern the Normans and English by equal laws; and this addition to the usual oath seems not improbable, considering the circumstances of the times.

[f] Gul. Pict. p. 206. Order. Vitalis, p. 503. [g] Gul. Pict. p. 208. Order. Vitalis, p. 506. [h] Gul. Pict. p. 206. [i] Ibid. [k] Gul. Gemet. p. 288. Chron. Sax. p. 189. M. West. p. 226. M. Paris, p. 9. Diceto, p. 482. This convent was freed by him from all episcopal jurisdiction. Monast. Ang. tom. i. p. 311, 312.

[l] Gul. Pict. p. 208. Order. Vitalis, p. 506.

[m] P. 211, 212.

[n] As the historian chiefly insists on the silver plate, his panegyric on the English magnificence shews only how incompetent a judge he was of the matter. Silver was then of ten times the value, and was more than twenty times more rare than at present; and consequently, of all species of luxury plate must have been the rarest.

[o] P. 212. [p] Order. Vital. p. 507. [q] Gul. Gemet. p. 289. Order. Vital. p. 508. Anglia Sacra, vol. i. p. 245. [r] Hoveden, p. 450. Mat. West. p. 226. Sim. Dunelm, p. 197.

[s] Chron. Sax. p. 173. This fact is a full proof that the Normans had committed great injustice, and were the real cause of the insurrections of the English.

[t] Hoveden, p. 450. Sim. Dunelm, p. 197. Alur. Beverl. p. 127. [u] Order. Vital. p. 510. [x] Ibid. [y] Ibid. [z] Ibid. p. 511.

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[a] Order. Vital. p. 511. [b] Ibid. [c] Ibid. [d] Ibid. [e] Ibid. p. 508. M. West. p. 225. M. Paris, p. 4. Sim. Dun. p. 197. [f] Order. Vital. p. 512. [g] Gul. Gemet. p. 290. Order. Vitalis, p. 513. Anglia Sacra, vol. i. p. 246. [h] Order. Vitalis, p. 512. Chron. de Mailr. p. 116. Hoveden, p. 450. M. Paris, p. 5. Sim. Dun. p. 198. [i] Order. Vital. p. 512. [k] Ibid. p. 513. Hoveden, p. 451. [l] Ingulf, p. 71. Chron. Abb. St. Petri de Burgo, p. 47. [m] Order. Vital. p. 514. [n] Hoveden, p. 451. Chron. Abb. St. Petri de Burgo, p. 47. Sim. Dun. p. 199. [o] Malmes. p. 104. H. Hunt. p. 369. [p] Chron. Sax. p. 174. Ingulf, p. 79. Malmes. p. 103. Hoveden, p. 451. Chron. Abb. St. Petri de Burgo, p. 47. Mat. Paris, p. 5. Sim. Dun. p. 199. Brompton, p. 966. Knyghton, p. 2344. Anglia Sacra, vol. i. p. 702.

[q] Order. Vital. p. 515. [r] Malmes. p. 104. [s] H. Hunt. p. 370.

[t] There is a paper or record of the family of Sharneborne, which pretends that that family, which was Saxon, was restored upon proving their innocence, as well as other Saxon families which were in the same situation. Though this paper was able to impose on such great antiquaries as Spelman (see Gloss. in verbo Drenges) and Dugdale (see Baron. vol. i. p. 118), it is proved by Dr. Brady (see Answ. to Petyt, p. 11, 12) to have been a forgery; and is allowed as such by Tyrrel, though a pertinacious defender of his party notions (see his Hist. vol. ii. introd. p. 51, 73). Ingulf, p. 70, tells us that very early Hereward, though absent during the time of the conquest, was turned out of all his estate, and could not obtain redress. William even plundered the monasteries. Flor. Wigorn. p. 636. Chron. Abb. St. Petri de Burgo, p. 48. Mat. Paris, p. 5. Sim. Dun. p. 200. Diceto, p. 482.

Brompton, p. 967. Knyghton, p. 2344. Alur. Beverl. p. 130. We are told, by Ingulf, that Ivo de Taillebois plundered the monastery of Croyland of a great part of its land, and no redress could be obtained.

[n] Order. Vitalis, p. 521. M. West. p. 229.

[o] The obliging of all the inhabitants to put out the fires and lights at certain hours, upon the sounding of a bell, called the Courfeu, is represented by Polydore Virgil, lib. 9, as a mark of the servitude of the English. But this was a law of police, which William had previously established in Normandy. See du Moulin, Hist. de Normandie, p. 160. The same law had place in Scotland. LL. Burgor. cap. 86.

[p] Order. Vitalis, p. 523. Secretum Abbatis, apud Selden, Titles of Honour, p. 573. Spelm. Gloss. in verbo Feodum. Sir Robert Cotton.

[q] M. West. p. 225. M. Paris, p. 4. Bracton, lib. 1. cap. 11. num. 1. Fleta, lib. 1. cap. 8. n. 2.

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[a] M. Paris, p. 5. Anglia Sacra, vol. i. p. 248.

[b] Parker, p. 161. [c] Ibid. p. 164. [d] Hoveden, p. 453. Diceto, p. 482. Knyghton, p. 2345. Ang. Sacra, vol. i. p. 5, 6. Ypod. Neust. p. 438.

[e] Brompton relates, that Wulstan was also deprived by the synod; but refusing to deliver his pastoral staff and ring to any but the person from whom he first received it, he went immediately to king Edward's tomb, and struck the staff so deeply into the stone, that none but himself was able to pull it out: upon which he was allowed to keep his bishopric. This instance may serve, instead of many, as a specimen of the monkish miracles. See also the Annals of Burton, p. 284.

[f] Malmes. de Gest. Pont. p. 154. [g] Ingulf, p. 70, 71.

[h] M. West. p. 228. Lanfranc wrote in defence of the real presence against Berengarius; and, in those ages of stupidity and ignorance, he was greatly applauded for that performance.

[i] Eadmer, p. 6. [k] Order. Vital. p. 523. H. Hunt. p. 370. [l] Ingulf, p. 71. [m] 36 Ed. III. cap. 15. Selden Spicileg. ad Eadmer, p. 189. Fortesc. de laud. leg. Angl. cap. 48. [n] Chron. Rothom. A. D. 1066. [o] Ingulf, p. 88. Brompton, p. 982. Knyghton, p. 2355. Hoveden, p. 600.

[p] What these laws were of Edward the Confessor, which the English, every reign during a century and a half, desire so passionately to have restored, is much disputed by antiquaries; and our ignorance of them seems one of the greatest defects in the ancient English history. The collection of laws in Wilkins, which pass under the name of Edward, are plainly a posterior and an ignorant compilation. Those to be found in Ingulf are genuine, but so imperfect, and contain so few clauses favourable to the subject, that we see no great reason for their contending for them so vehemently. It is probable that the English meant the common law, as it prevailed during the reign of Edward; which we may conjecture to have been more indulgent to liberty than the Norman institutions. The most material articles of it were afterwards comprehended in Magna Charta.

[q] William was so little ashamed of his birth, that he assumed the appellation of Bastard in some of his letters and charters. Spelm. Gloss. in verb. Bastardus. Camden in Richmondshire.

[r] Order. Vitalis, p. 522. Hoveden, p. 454.

[s] Sim. Dun. p. 205. [t] Order. Vital. p. 536.

[u] Chron. Saxon, p. 183. Matth. Paris, p. 7. Many of the fugitive Normans are supposed to have fled into Scotland, where they were protected, as well as the fugitive English, by Malcolm. Whence come the many French and Norman families, which are found at present in that country.

[w] L'Abbé Conc. tom. x. p. 371, 372. com. 2.

[x] Padre Paolo sopra benef. eccles. p. 30.

[y] Ibid. p. 113. [z] Epist. Greg. VII. epist. 32, 35. lib. 2. epist. 5.

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[a] Epist. Greg. VII. lib. 1. epist. 7. [b] Ibid. lib. 2. epist. 55. [c] Spicileg. Seldeni ad Eadmer, p. 4. [d] Hoveden, p. 455, 457. Flor. Wigorn. p. 638. Spelm. Concil. fol. 13. A. D. 1076. [e] Order. Vital. p. 545. Hoveden, p. 457. Flor. Wigorn. p. 639. [f] Chron. de Mailr. p. 160. [g] Order. Vital. p. 545. [h] Ibid. [i] Ibid. [k] Ibid. Hoveden, p. 457. Sim. Dun. p. 210. Diceto, p. 487. [l] Malmes. p. 106. H. Hunt. p. 369. Hoveden, p. 457. Flor. Wig. p. 639. Sim. Dun. p. 210. Diceto, p. 287. Knyghton, p. 2351. Alur. Beverl. p. 135.

[m] M. Chron. Saxon, p. 190. Ingulf, p. 79. Chron. T. Wykes, p. 23. H. Hunting. p. 370. Hoveden, p. 460. M. West. p. 229. Flor. Wig. p. 641. Chron. Abb. St. Petri de Burgo, p. 51. M. Paris, p. 8. The more northern counties were not comprehended in this survey; I suppose because of their wild, uncultivated state.

[n] Ingulf, p. 8. [o] West's inquiry into the manner of creating peers, p. 24. [p] Order.

Vital. p. 523. He says one thousand and sixty pounds and some odd shillings and pence a day.

[s] Fortescue, de Dom. reg. et politic. cap. 111.

[t] Malmes. p. 3. H. Hunt. p. 731. Anglia Sacra, vol. i. p. 258. [u] M. West. p. 230. Aug. Sacra, vol. i. p. 258. [w] Hoveden, p. 600.

[x] H. Hunting. p. 370. Brompton, p. 980. So late as the reign of king Stephen, the earl of Albemarle, before the battle of the Standard, addressed the officers of his army in these terms, 'Proceres Angliæ clarissimi, et genere Normanni, &c.' Brompton, p. 1026. See farther, Abbas Rieval, p. 339, &c. All the barons and military men of England still called themselves Normans.

[y] Ingulf, p. 70. H. Hunt. p. 370. 372. M. Westm. p. 225. Gul. Neub. p. 357. Alured Beverl. p. 124. De Gest. Angl. p. 333. M. Paris, p. 4. Sim. Dun. p. 206. Brompton, p. 962, 980, 1161. Gervase Tilb. lib. i. cap. 16. Textus Roffensis apud Seld. Spicileg. ad Eadm. p. 179. Gul. Pict. p. 206. Ordericus Vitalis, p. 521, 666, 853. Epist. St. Thom. p. 801. Gul. Malmes. p. 52, 57. Knyghton, p. 2354. Eadmer, p. 110. Thom. Rudborne in Anglia Sacra, vol. i. p. 248. Monach. Roff. in Anglia Sacra, vol. ii. p. 276. Girald. Camb. in eadem, vol. ii. p. 413. Hist. Elyensis, p. 516. The words of this last historian, who is very ancient, are remarkable, and worth transcribing: 'Rex itaque factus Willielmus, quid in principes Anglorum, qui tantæ cladi superesse poterant, fecerit, dicere, cum nihil prosit, omitto. Quid enim prodesset, si nec unum in toto regno de illis dicerem pristina potestate uti permissum, sed omnes aut in gravem paupertatis ærumnam detrusos, aut exhæredatos, patria pulsos, aut effossis oculis, vel cæteris amputatis membris, opprobrium hominum factos, aut certe miserrime afflictos, vita privatos. Simili modo utilitate carere existimo dicere quid in minorem populum, non solum ab eo, sed a suis actum sit, cum id dictu sciamus difficile, et ob immanem crudelitatem fortassis incredibile.'

[z] W. Malmes. p. 120. Matth. Paris, p. 10.

[a] Chron. Saxon, p. 192. Brompton, p. 983.

[b] W. Malmes. p. 120. M. Paris, p. 10. Tho. Rudborne, p. 263.

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[a] Hoveden, p. 461. [b] Order. Vital. p. 666.

[c] Chron. Sax. p. 195. Order. Vital. p. 668.

[d] Chron. Sax. p. 197. W. Malmes. p. 121. Hoveden, p. 462. M. Paris, p. 11. Annal. Waverl. p. 137. W. Heming. p. 463. Sim. Dun. p. 216. Brompton, p. 986. [e] Gul. Tyrius, lib. 1. cap. 11. M. Paris, p. 17. [f] Gul. Tyrius, lib. 1. cap. 13. [g] Concil. tom. x. Concil. Clarom. Matth. Paris, p. 16. M. West. p. 233. [h] Historia Bell. Sacri, tom. i. Musari Ital. [i] Ibid. Order. Vital. p. 721. [k] Order. Vital. p. 720. [l] Ibid. [m] W. Malmes. p. 133. [n] Vertot Hist. de Chev. de Malte, vol. i. p. 46. [o] Simeon Dunelm, p. 222.

[p] Matth. Paris, p. 17. [q] Ibid. p. 20, 21. [r] Padre Paolo Hist. delle benef. ecclesiast. p. 128. [s] W. Malm. p. 123. Chron. T. Wykes, p. 24. Annal. Waverl. p. 139. W. Heming. p. 467. Flor. Wigorn. p. 648. Sim. Dun. p. 222. Knyghton, p. 2364. [t] Eadm. p. 35. W. Malm. p. 123. W. Heming. p. 467.

[u] G. Newbr. p. 358. W. Gemet. p. 292.

[w] W. Malm. p. 122. [x] Eadmer, p. 47.

[y] W. Malmes. p. 123. [z] Eadmer, p. 16. Chron. Sax. p. 198.

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[a] Eadmer, p. 17. Diceto, p. 494. [b] Eadm. p. 18. [c] Ibid. p. 19, 43. Chron. Sax. p. 199. [d] Order. Vital. p. 682. W. Malmes. p. 123. Knyghton, p. 2369. [e] Eadmer, p. 23. [f] Hoveden, p. 463. [g] Eadmer, p. 29. M. Paris, p. 13. Diceto, p. 494. Spelm. Conc. vol. ii. p. 16. [h] Eadmer, p. 30. [i] Diceto, p. 495. [k] Eadmer, p. 37, 43. [l] Ibid. p. 40. [m] M. Paris, p. 13. Parker, p. 178.

[n] Eadmer, p. 49. M. Paris, p. 13. Sim. Dun. p. 224. [o] M. Paris, p. 14. [p] Spelman, Du Cange, in verb. Homagium. [q] W. Heming. p. 467. Flor. Wigorn. p. 649. Sim. Dun. p. 224. Brompton, p. 994. [r] W. Malm. p. 124. H. Hunt. p. 378. M. Paris, p. 36. Ypod. Neust. p. 442. [s] W. Malm. p. 149. The whole is said by Order. Vitalis, p. 789, to amount to three hundred thousand men.

[t] W. Malmes. p. 127. [u] Ibid. p. 126. H. Hunt. p. 378. M. Paris, p. 37. Petr. Bles. p. 110. [w] Vertot, vol. i. p. 57. [x] M. Paris, p. 34. Order. Vitalis, p. 756. Diceto, p. 498. [y] Order. Vital. p. 782. [z] Chron. Sax. p. 208. Order. Vital. p. 783.

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[a] Chron. Sax. p. 208. Sim. Dunelm, p. 225.

[b] See Appendix II. [c] Matth. Paris, p. 38. Hoveden, p. 468. Brompton, p. 1021. Hagulstad, p. 310.

[d] Glanv. lib. 2. cap. 36. What is called a relief in the Conqueror's laws, preserved by Ingulf, seems to have been the heriot; since

reliefs, as well as the other burdens of the feudal law, were unknown in the age of the Confessor, whose laws these originally were.

[t] *Lib.* 7. cap. 16. This practice was contrary to the laws of king Edward, ratified by the Conqueror, as we learn from Ingulf, p. 91. But laws had at that time very little influence: power and violence governed every thing.

[u] Chron. Sax. p. 208. W. Malmes. p. 156. Matth. Paris, p. 39. Alured Beverl. p. 144.

[x] Chron. Sax. p. 208. Order. Vital. p. 783. Matth. Paris, p. 39. T. Rudborne, p. 273.

[y] W. Malm. p. 225. [z] Eadmer, p. 57.

[a] Ibid. [b] Hoveden, p. 468. [c] M. Paris, p. 40. [d] Order. Vital. p. 785. [e] Chron. Sax. p. 209. W. Malm. p. 156. [f] H. Hunt. p. 379. M. Paris, p. 43. Brompton, p. 1002.

[g] Eadmer, p. 90. Chron. Sax. p. 214. Order. Vital. p. 821. [h] Chron. Sax. p. 214. Ann. Waverl. p. 144. [i] Eadmer, p. 56. [k] W. Malm. p. 225. [l] Eadmer, p. 60. This topic is farther enforced in p. 73, 74. See also W. Malm. p. 163.

[m] Eadmer, p. 61. I much suspect that this text of scripture is a forgery of his holiness; for I have not been able to find it. Yet it passed current in those ages, and was often quoted by the clergy as the foundation of their power. See Epist. St. Thom. p. 169.

[n] Eadm. p. 62. W. Malm. p. 225. [o] Eadm. p. 63.

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[p] Eadmer, p. 64, 66. [q] Ibid. p. 65. W. Malm. p. 225. [r] Eadmer, p. 66. W. Malm. p. 225. Hoveden, p. 469. Sim. Dun. p. 228.

[s] Eadmer, p. 71. [t] Ibid. p. 73. W. Malm. p. 226. M. Paris, p. 40. [u] Hoveden, p. 471.

[x] Eadmer, p. 81. [y] W. Malm. p. 167.

[z] Padre Paolo sopra benef. eccles. p. 112. W. Malmes. p. 170. Chron. Abb. St. Petri de Burgo, p. 63. Sim. Dun. p. 233. [a] Eadmer, p. 79. [b] Ibid. p. 80. [c] Ibid. p. 79. [d] Ibid. p. 91. W. Malm. p. 163. Sim. Dunelm, p. 230.

[e] Eadmer, p. 91. W. Malmes. p. 164, 227. Hoveden, p. 471. M. Paris, p. 43. T. Rudb. p. 274. Brompton, p. 1000. Wilkins, p. 303. Chron. Dunst. p. 21. [f] Eadmer, p. 87.

[g] Ibid. p. 91. [h] Ibid. p. 67, 68. Spelm. Conc. vol. ii. p. 22. [i] Eadmer, p. 68.

[k] Order. Vital. p. 816. [l] Eadmer, p. 83. Chron. Sax. p. 211, 212, 213, 219, 220, 228. H. Hunting. p. 380. Hoveden, p. 470. Ann. Waverl. p. 143. [m] Order. Vitalis, p. 837.

[n] H. Hunt. p. 381. M. Paris, p. 47. Diceto, p. 503. [o] Order. Vital. p. 854.

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[p] Sim. Dun. p. 242. Alured Beverl. p. 148.

[q] Order. Vitalis, p. 868. [r] Hoveden, p. 476. Order. Vital. p. 869. [s] Gul. Neub. lib. 1. cap. 3. [t] Eadmer, p. 110. [u] Chron. Sax. p. 215. W. Malm. p. 166. Order. Vital. p. 83.

[x] Henry, by the feudal customs, was entitled to levy a tax for the marrying of his eldest daughter, and he exacted three shillings a hide on all England. H. Hunting. p. 379. Some historians (Brady, p. 270, and Tyrrel, vol. ii. p. 182) heedlessly make this sum amount to above eight hundred thousand pounds of our present money: but it could not exceed one hundred and thirty-five thousand. Five hides, sometimes less, made a knight's fee, of which there were about sixty thousand in England, consequently near three hundred thousand hides; and, at the rate of three shillings a hide, the sum would amount to forty-five thousand pounds, or one hundred and thirty-five thousand of our present money. See Rudborne, p. 257. In the Saxon times there were only computed two hundred and forty-three thousand six hundred hides in England.

[y] Chron. Sax. p. 223. W. Malmes. p. 165.

[z] W. Malm. p. 175. The annals of Waverly, p. 150, say that the king asked and obtained the consent of all the barons. [a] Eadmer, p. 94. Chron. Sax. p. 212. [b] Eadmer, p. 94.

[c] Ibid. p. 58. [d] Hoveden, p. 474.

[e] Eadmer, p. 125, 137, 138. [f] Chron. Sax. p. 229. [g] Spelm. Conc. vol. ii. p. 34.

[h] Hoveden, p. 478. M. Paris, p. 48. Matth. West. ad ann. 1125. H. Huntingdon, p. 382. It is remarkable that this last writer, who was a clergyman as well as the others, makes an apology for using such freedom with the fathers of the church; but says, that the fact was notorious, and ought not to be concealed.

[i] Chron. Sax. p. 234.

[k] The legates a latere, as they were called, were a kind of delegates, who possessed the full power of the pope in all the provinces committed to their charge, and were very busy in extending as well as exercising it. They nominated to all vacant benefices, assembled synods, and were anxious to maintain ecclesiastical privileges, which never could be fully protected without encroachments on the civil power. If there were the least concurrence or opposition, it was always supposed that the civil power was to give way. Every deed, which had the

least pretence of holding of any thing spiritual, as marriages, testaments, promissory oaths, was brought into the spiritual court, and could not be canvassed before a civil magistrate. These were the established laws of the church; and, where a legate was sent immediately from Rome, he was sure to maintain the papal claims with the utmost rigour. But it was an advantage to the king to have the archbishop of Canterbury appointed legate, because the connexions of that prelate with the kingdom tended to moderate his measures.

[a] W. Malm. p. 177. [z] H. Hunt. p. 385.
[y] Ibid. M. Paris, p. 50. [x] W. Malm. p. 178.

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[a] Order. Vital. p. 805. [b] Gul. Gemet. lib. 8. cap. 29. [c] W. Malm. p. 179. [d] Sim. Dunelm, p. 231. Brompton, p. 1000. Flor. Wigorn. p. 633. Hoveden, p. 471. [e] Sim. Dunelm, p. 231. Brompton, p. 1000. Hoveden, p. 471. Annal. Waverl. p. 149. [f] LL. Hen. I. § 18, 75. [g] Ibid. § 82. [h] Spelm. p. 305. Blackstone, vol. iii. p. 63. Coke, 2 Inst. 70. [i] Lambardi Archaionomia ex edit. Twisden. Wilkins, p. 235. [k] Dial. de Scaccario, lib. 1. cap. 7. [l] Gul. Neubr. p. 360. Brompton, p. 1023. [m] W. Malm. p. 192. [n] Ibid. p. 179. Gest. Steph. p. 928. [o] Matth. Paris, p. 51. Diceto, p. 505. Chron. Dunst. p. 25. [p] Brompton, p. 1023.

[q] Such stress was formerly laid on the rite of coronation, that the monkish writers never give any prince the title of king till he is crowned; though he had for some time been in possession of the crown, and exercised all the powers of sovereignty.

[r] W. Malmes. p. 179. [s] Hoveden, p. 482.
[t] W. Malm. p. 179. [u] Hagulstad, p. 259, 313. [v] M. Paris, p. 52. [w] Malmes. p. 179. [x] Ibid. M. Paris, p. 51. [y] W. Malm. p. 179.

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[a] W. Malm. p. 180. [b] Trivet, p. 19. Gul. Neub. p. 372. Chron. Heming. p. 487. Brompton, p. 1035. [c] W. Malm. p. 180. M. Paris, p. 51. [d] W. Malm. p. 180. [e] Gul. Neubr. p. 362. [f] Chron. Sax. p. 238. W. Malm. p. 181. [g] W. Malm. p. 182. [h] Ibid. M. Paris, p. 53. [i] W. Malm. p. 183. [k] Ibid. [l] Chron. Sax. p. 238. W. Malmes. p. 185. Gest. Steph. p. 961. [m] W. Malm. p. 187. [n] Chron. Sax. p. 242. Contin. Flor. Wigorn. p. 676. [o] W. Malmes. p. 187. [p] Ibid. p. 188. This author, a judicious man, was present, and says that he was very attentive to what passed. This speech, therefore, may be regarded as entirely genuine. [q] W. Malmes. p. 188.

[r] P. 4. Were this account to be depended on, London must at that time have contained near four hundred thousand inhabitants, which is above double the number it contained at the death of queen Elizabeth. But these loose calculations, or rather guesses, deserve very little credit. Peter of Blois, a contemporary writer, and a man of sense, says there were then only forty thousand inhabitants in London, which is much more likely. See Epist. 151. What Fitz-Stephens says of the prodigious riches, splendour, and commerce of London, proves only the great poverty of the other towns of the kingdom, and indeed of all the northern parts of Europe.

[s] Brompton, p. 1031. [t] Contin. Flor. Wig. p. 677. Gervase, p. 1355. [u] Epist. St. Thom. p. 225. [x] Chron. W. Thorn. p. 1907. [y] Epist. St. Thom. p. 226. [z] Hagulst. p. 275, 276.

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[a] W. Malmes. p. 180. [b] M. Paris, p. 51. Hagulst. p. 312. [c] H. Hunting. p. 395. [d] Matth. Paris, p. 65. [e] Gul. Neubr. p. 381. [f] Fitz-Steph. p. 13. M. Paris, p. 65. Neubr. p. 381. Chron. T. Wykes, p. 30. [g] Neubr. p. 382. [h] Hoveden, p. 491. [i] Ibid. Fitz-Steph. p. 13. M. Paris, p. 65. Neubr. p. 381. Brompton, p. 1043.

[k] William of Newbridge, p. 383, (who is copied by later historians) asserts that Geoffrey had some title to the counties of Maine and Anjou. He pretends that count Geoffrey his father had left him these dominions by a secret will, and had ordered that his body should not be buried till Henry should swear to the observance of it; which he, ignorant of the contents, was induced to do. But, besides that this story is not very likely in itself, and savours of monkish fiction, it is found in no other ancient writer, and is contradicted by some of them, particularly the monk of Marmoutier, who had better opportunities than Newbridge of knowing the truth. See Vita Gauf. Duc. Norman. p. 103.

[l] Neubr. p. 383. Chron. W. Heming. p. 492.
[m] M. Paris, p. 70. Neubr. p. 383. [n] Neubr. p. 387. Chron. W. Heming. p. 494.

[o] Madox, p. 435. Gervase, p. 1381. The sum scarcely appears credible, as it would

amount to much above half the rent of the whole land. Gervase is indeed a contemporary author; but churchmen are often guilty of strange mistakes of that nature, and are commonly but little acquainted with the public revenues. This sum would make five hundred and forty thousand pounds of our present money. The Norman Chronicle, p. 995, says that Henry raised only sixty Angevin shillings on each knight's fee in his foreign dominions. This is only a fourth of the sum which Gervase says he levied on England; an inequality nowise probable. A nation may by degrees be brought to bear a tax of fifteen shillings in the pound; but a sudden and precarious tax can never be imposed to that amount without a very visible necessity, especially in an age so little accustomed to taxes. In the succeeding reign the rent of a knight's fee was computed at four pounds a year. There were sixty thousand knights fees in England.

[p] Fitz-Steph. p. 22. Diceto, p. 531. [q] Hoveden, p. 492. Neubr. p. 400. Diceto, p. 532. Brompton, p. 1450.

[r] Since the first publication of this history, lord Lyttelton has published a copy of the treaty between Henry and Lewis, by which it appears, if there was no secret article, that Henry was not guilty of any fraud in this transaction.

[s] Trivet, p. 48. [t] Fitz-Stephens, p. 27.

[u] Fitz-Stephens, p. 18. This conduct appears violent and arbitrary; but was suitable to the strain of administration in those days. His father Geoffrey, though represented as a mild prince, set him an example of much greater violence. When Geoffrey was master of Normandy the chapter of Seez presumed, without his consent, to proceed to the election of a bishop; upon which he ordered all of them, with the bishop elect, to be castrated, and made all their testicles be brought him in a platter. Fitz-Steph. p. 44. In the war of Toulouse Henry laid a heavy and an arbitrary tax on all the churches within his dominions. See Epist. St. Thom. p. 232.

[w] Fitz-Steph. p. 13. [x] Ibid. p. 15. Hist. Quad. p. 914. [y] P. 15.

[z] John Baldwin held the manor of Oterarsfee in Aylesbury of the king in soccage, by the service of finding litter for the king's bed, viz. in summer, grass or herbs, and two grey geese; and in winter, straw, and three eels, thrice in the year, if the king should come thrice in the year to Aylesbury. Madox, Bar. Anglica, p. 247.

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[a] Fitz-Steph. p. 23. Hist. Quad. p. 9. [b] Fitz-Steph. p. 19, 20, 22, 23. [c] Ibid. p. 16. Hist. Quad. p. 8. [d] Fitz-Steph. p. 16. [e] Ibid. p. 17. [f] Ibid. p. 28. Epist. St. Thom. p. 232. [g] Epist. St. Thom. p. 167. [h] Fitz-Stephens, p. 25. Hist. Quad. p. 19. [i] Fitz-Steph. p. 28. Gervase, p. 1384. [k] M. Paris, p. 7. Diceto, p. 536. [l] Fitz-Steph. p. 28. [m] Epist. St. Thom. p. 130. [n] Fitz-Steph. p. 32. [o] Neubr. p. 394. [p] Fitz-Steph. p. 33. Hist. Quad. p. 32. [q] Fitz-Steph. p. 29. Hist. Quad. p. 33, 45. Hoveden, p. 492. M. Paris, p. 72. Diceto, p. 536, 537. Brompton, p. 1058. Gervase, p. 1384. Epist. St. Thom. p. 208, 209. [r] Fitz-Steph. p. 31. Hist. Quad. p. 34. Hoveden, p. 492. [s] Hist. Quad. p. 37. Hoveden, p. 493. Gervase, p. 1385. [t] Fitz-Steph. p. 33. [u] Hist. Quad. p. 163. M. Paris, p. 70, 71. Spel. Conc. vol. ii. p. 63. Gervase, p. 1386, 1387. Wilkins, p. 321. [x] Hist. Quad. p. 38. Hoveden, p. 493. [y] Fitz-Steph. p. 35. Epist. St. Thom. p. 25. [z] Fitz-Stephens, p. 45. Hist. Quad. p. 39. Gervase, p. 1386.

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[a] Epist. St. Thom. p. 13, 14. [b] Hoveden, p. 493. Gervase, p. 1388. [c] Hoveden, p. 494. M. Paris, p. 72. Diceto, p. 537.

[d] I follow here the narrative of Fitz-Stephens, who was secretary to Becket; though, no doubt, he may be suspected of partiality towards his patron. Lord Lyttelton chooses to follow the authority of a manuscript letter, or rather manifesto, of Folliot bishop of London, which is addressed to Becket himself, at the time when the bishop appealed to the pope from the excommunication pronounced against him by his primate. My reasons, why I give the preference to Fitz-Stephens, are, (1) If the friendship of Fitz-Stephens might render him partial to Becket, even after the death of that prelate, the declared enmity of the bishop must, during his lifetime, have rendered him more partial on the other side. (2) The bishop was moved by interest, as well as enmity, to calumniate Becket. He had himself to defend against the sentence of excommunication, dreadful to all, especially to a prelate; and no more effectual means than to throw all the blame on his adversary. (3) He has actually been guilty of palpable calumnies in that letter. Among these I reckon the following: he affirms that, when Becket subscribed

the Constitutions of Clarendon, he said plainly to all the bishops of England, 'It is my master's pleasure that I should forswear myself, and at present I submit to it, and do resolve to incur a perjury, and repent afterwards as I may.' However barbarous the times, and however negligent zealous churchmen were then of morality, these are not words which a primate of great sense, and of much seeming sanctity, would employ in an assembly of his suffragans. He might act upon these principles, but never surely would publicly avow them. Folliot also says that all the bishops were resolved obstinately to oppose the Constitutions of Clarendon; but the primate himself betrayed them from timidity, and led the way to their subscribing. This is contrary to the testimony of all the historians, and directly contrary to Becket's character, who surely was not destitute either of courage or of zeal for ecclesiastical immunities. (4) The violence and injustice of Henry, ascribed to him by Fitz-Stephens, is of a piece with the rest of the prosecution. Nothing could be more iniquitous than, after two years silence, to make a sudden and unprepared demand upon Becket to the amount of forty-four thousand marks (equal to a sum of near a million in our time), and not allow him the least interval to bring in his accounts. If the king was so palpably oppressive in one article, he may be presumed to be equally so in the rest. (5) Though Folliot's letter, or rather manifesto, be addressed to Becket himself, it does not acquire more authority on that account. We know not what answer was made by Becket: the collection of letters cannot be supposed quite complete. But that the collection was not made by one (whoever he were) very partial to that primate, appears from the tenor of them, where there are many passages very little favourable to him; insomuch that the editor of them at Brussels, a jesuit, thought proper to publish them with great omissions, particularly of this letter of Folliot's. Perhaps Becket made no answer at all, as not deigning to write to an excommunicated person, whose very commerce would contaminate him; and the bishop, trusting to this arrogance of his primate, might calumniate him the more freely. (6) Though the sentence pronounced on Becket by the great council implies that he had refused to make any answer to the king's court, this does not fortify the narrative of Folliot; for, if his excuse was rejected as false and frivolous, it would be treated as no answer. Becket submitted so far to the sentence of confiscation of goods and chattels that he gave surety, which is a proof that he meant not at that time to question the authority of the king's courts. (7) It may be worth observing that both the author of Historia Quadripartita and Gervase, contemporary writers, agree with Fitz-Stephens; and the latter is not usually very partial to Becket. All the ancient historians give the same account.

[a] Neubr. p. 394. [b] Fitz-Steph. p. 37, 42. [c] Hist. Quad. p. 47. Hoveden, p. 494. Gervase, p. 1389. [d] Fitz-Steph. p. 37. [e] Ibid. [f] Ibid. p. 36. [g] Ibid. p. 38. [h] Hist. Quad. p. 47. [i] Hoveden, p. 494. Diceto, p. 537. [k] Fitz-Steph. p. 38. [l] Hoveden, p. 495. [m] Epist. St. Thom. p. 315. [n] Fitz-Steph. p. 38. [o] Ibid. p. 39. Gervase, p. 1390. [p] Fitz-Steph. p. 40. Hist. Quad. p. 53. Hoveden, p. 404. Neubr. p. 394. Epist. St. Thom. p. 43. [q] Fitz-Stephens, p. 35. [r] Ibid. p. 42, 44, 45, 46. Hist. Quad. p. 57. Hoveden, p. 495. Mat. Paris, p. 72. Epist. St. Thom. p. 45, 195.

[s] Fitz-Stephens, p. 46. This historian is supposed to mean the more considerable vassals of the chief barons: these had no title to sit in the great council, and the giving them a place there was a palpable irregularity; which however is not insisted on in any of Becket's remonstrances. A farther proof how little fixed the constitution was at that time.

[t] Epist. St. Thom. p. 35. [u] Ibid. p. 36, 37.

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[a] Hist. Quad. p. 76. [b] Ibid. p. 88, 167. Hoveden, p. 496. Matth. Paris, p. 73. [c] 'Quis dubitet,' says Becket to the king, 'sacerdotes Christi regum et principum omniumque fidelium patres et magistros censeri.' Epist. St. Thom. p. 97, 148. [d] Ibid. p. 63, 105, 194. [e] Ibid. p. 29, 30, 31, 226. [f] Fitz-Steph. p. 46. Epist. St. Thom. p. 52, 148. [g] Brady's Append. N° 56. Epist. St. Thom. p. 94, 95, 97, 99, 197. Hoveden, p. 497. [h] Fitz-Steph. p. 56. Hist. Quad. p. 93. Matth. Paris, p. 74. Beaulieu Vie de St. Thom. p. 213. Epist. St. Thom. p. 149, 229. Hoveden, p. 499. [i] Ibid. p. 517. M. Paris, p. 75. Diceto, p. 547. Gervase, p. 1402, 1403. Robert de Monte. [k] Epist. St. Thom. p. 230. [l] Ibid. p. 276. [m] Fitz-Steph. p. 68, 69. Hoveden, p. 520. [n] Hist. Quad. p. 104. Brompton, p. 1062. Gervase, p. 1408. Epist. St. Thom. p. 704, 705, 706, 707, 792, 793, 794. Benedict. Abbas, p. 70. [o] Epist. 45.

lib. 5. [p] Hist. Quad. p. 103. Epist. St. Thom. p. 682. Gervase, p. 1412. [q] Epist. St. Thom. p. 708. [r] Ibid. p. 837, 839. [s] Fitz-Steph. p. 65. [t] Epist. St. Thom. p. 345. [u] Fitz-Steph. p. 74. [x] Epist. St. Thom. p. 818, 848. [y] Gervase, p. 1414. Parker, p. 207. [z] M. Paris, p. 86. Brompton, p. 1065. Benedict. Abbas, p. 10.

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[a] Hist. Quad. p. 144. Trivet, p. 55. [b] Ypod. Neust. p. 447. M. Paris, p. 87. Diceto, p. 556. Gervase, p. 1419. [c] Hist. Quad. p. 143. [d] Hoveden, p. 526. M. Paris, p. 87. [e] Hoveden, p. 526. Epist. St. Thom. p. 863. [f] Chron. Gervase, p. 1399. M. Paris, p. 74. [g] Neubr. p. 391. Mat. Paris, p. 74. Heming. p. 494. [h] Hoveden, p. 527. [i] M. Paris, p. 67. Girald. Cambr. Spelm. Concil. vol. ii. p. 51. Rymer, vol. i. p. 15. [k] Girald. Cambr. p. 760. [l] Spencer, vol. vi. [m] Girald. Camb. p. 760. [n] Ibid. p. 761. [o] Ibid. p. 761, 762. [p] Ibid. p. 766. [q] Ibid. p. 767. [r] Ibid. p. 773. [s] Ibid. p. 770. [t] Ibid. p. 775. [u] Brompton, p. 1069. Neubrig. p. 403. [x] Girald. Cambr. p. 778. [y] Mat. Paris, p. 88. Benedict. Abb. p. 34. Hoveden, p. 529. Diceto, p. 560. Chron. Gerv. p. 1422.

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[a] Brompton, p. 1071. Liber Nig. Scac. p. 47. [b] Ypod. Neust. p. 448. [c] Bened. Abb. p. 38. Hoveden, p. 532. Diceto, p. 562. Brompton, p. 1081. Rymer, vol. i. p. 33. [d] Chron. Gerv. p. 1463.

[e] Hoveden, p. 529. Diceto, p. 560. Brompton, p. 1080. Chron. Gerv. p. 1421. Trivet, p. 58. It appears from Madox's History of the Exchequer, that silk garments were then known in England, and that the coronation robes of the young king and queen cost eighty-seven pounds ten shillings and four pence, money of that age.

[f] Girald. Cambr. p. 782.

[g] Epist. Petri Bles. epist. 136. in Biblioth. Patr. tom. xxiv. p. 1048. His words are, 'Vestræ jurisdictionis est regnum Angliæ, et quantum ad feudatorii juris obligationem, vobis duntaxat obnoxius teneor.' The same strange paper is in Rymer, vol. i. p. 35. and Trivet, vol. i. p. 62.

[h] Neubrig. p. 413. [i] Chron. Gerv. p. 1461. [k] Petr. Bles. epist. 47. [l] Diceto, p. 570. [m] Hoveden, p. 539. [n] Ibid. p. 536. Brompton, p. 1088. [o] Hoveden, p. 536. [p] Ibid. p. 533. Brompton, p. 1084. Neub. p. 508. [q] Hoveden, p. 537. [r] Heming. p. 501. [s] Hoveden, p. 539. [t] Brompton, p. 1096. [u] Diceto, p. 578. [x] Brompton, p. 1096. Neubr. p. 411. Heming. p. 503. [y] Rymer, vol. i. p. 35. Bened. Abb. p. 88. Hoveden, p. 540. Diceto, p. 583. Brompton, p. 1098. Heming. p. 505. Chron. Dunst. p. 36. [z] M. Paris, p. 91. Chron. Dunst. p. 36. Hoveden, p. 545. Mat. West. p. 251. Diceto, p. 584. Brompton, p. 1103. Rymer, vol. i. p. 39. Liber Niger Scaccarii, p. 36. [a] Bened. Abb. p. 113.

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[a] Some Scotch historians pretend that William paid, besides, one hundred thousand pounds of ransom, which is quite incredible. The ransom of Richard I, who, besides England, possessed so many rich territories in France, was only one hundred and fifty thousand marks, and yet was levied with great difficulty. Indeed two-thirds of it only could be paid before his deliverance.

[b] Bened. Abbas, p. 132. Hoveden, p. 549. [c] Seld. Spicileg. ad Eadm. p. 204. [d] Bened. Abb. p. 132. [e] Glanv. lib. ii. cap. 7. [f] Hoveden, p. 590. [g] Bened. Abbas, p. 202. Diceto, p. 585. [h] Bened. Abb. p. 305. Annal. Waverl. p. 161. [i] Petri Blessen. epist. 73. apud Bibl. Patr. tom. xxiv. p. 992. [k] Chron. Gervase, p. 1433. [l] Diceto, p. 592. Chron. Gervase, p. 1433.

[m] Bened. Abb. p. 248. It was usual for the kings of England, after the conquest of Ireland, to summon barons and members of that country to the English parliament. Molineux's Case of Ireland, p. 64, 65, 66.

[n] Spelman even doubts whether the law were not also extended to England. If it were not, it could only be because Henry did not choose it; for his authority was greater in that kingdom than in his transmarine dominions.

[o] Bened. Abb. p. 437, &c. [p] Ypod. Neust. p. 451. Bened. Abb. p. 383. Diceto, p. 617. [q] Bened. Abb. p. 393. Hoveden, p. 621. Trivet, vol. i. p. 84. [r] Neubrig. p. 422. [s] Bened. Abb. p. 451. Chron. Gervase, p. 1480. [t] M. Paris, p. 100. [u] Bened. Abb. p. 531. [x] Neubrig. p. 435. Heming. p. 512. [y] Bened. Abb. p. 498. [z] Petri Blessen. epist. 112.

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[a] Bened. Abb. p. 508. [b] Ibid. p. 517, 532. [c] Ibid. p. 519. [d] Ibid. p. 521. Hoveden,

p. 652. [e] Brompton, p. 1149. Neubrig. p. 487. [f] M. Paris, p. 104. Bened. Abb. p. 542. Hoveden, p. 652. [g] M. Paris, p. 104. [h] Ibid. p. 105. Bened. Abb. p. 543. Hoveden, p. 653. [i] M. Paris, p. 106. Bened. Abb. p. 545. Hoveden, p. 653. [k] Hoveden, p. 654. [l] Bened. Abb. p. 541. [m] Hoveden, p. 654. [n] Bened. Abb. p. 547. Brompton, p. 1151. M. Paris, p. 107. [o] Petri Bles. epist. 46, 47. in Bibliotheca Patrum, vol. xxiv. p. 985, 986, &c. Girald. Camb. p. 783, &c. [p] Bened. Abb. p. 196. [q] Ibid. p. 197, 198. [r] Observations on the ancient Statutes, p. 216. [s] Rymer, vol. iv. p. 43. Bened. Abb. p. 172. Diceto, p. 597. Brompton, p. 1120. [t] Rymer, vol. i. p. 36. [u] Madox, p. 435, 436, 437, 438. Tyrrel, vol. ii. p. 466. from the records. [x] Bened. Abbas, p. 138, 139. Brompton, p. 1109. Chron. Gerv. p. 1433. Neubrig. p. 413. [y] Gir. Camb. cap. 5. in Anglia Sacra, vol. ii. [z] Diceto, p. 616.

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[a] Hoveden, p. 655. Bened. Abb. p. 547. M. Paris, p. 107. [b] Gale's Collect. vol. iii. p. 165.

[c] The sheriff had anciently both the administration of justice and the management of the king's revenue committed to him in the county. See Hale of Sheriff's Accounts.

[d] M. Paris, p. 109. [e] W. Heming. p. 519. Knyghton, p. 2402. [f] Hoveden, p. 662. Rymer, vol. i. p. 64. Matt. Westm. p. 257. [g] Bened. Abb. p. 556. [h] Hoveden, p. 660. [i] Vinisauf, p. 305. [k] Bened. Abb. p. 580. [l] Hoveden, p. 663. [m] Ibid. p. 676, 677. Bened. Abb. p. 615. [n] Bened. Abb. p. 608. [o] Hoveden, p. 674. [p] Ibid. p. 688. Bened. Abb. p. 642, 643. Brompton, p. 1195. [q] Vinisauf, p. 316. [r] M. Paris, p. 112. Trivet, p. 102. W. Heming. p. 519. [s] Hoveden, p. 688. [t] Rymer, vol. i. p. 69. Chron. de Dunst. p. 44. [u] Bened. Abb. p. 644. [w] Ibid. p. 650. Ann. Waverl. p. 164. Vinisauf, p. 328. W. Heming. p. 523. [x] Vinisauf, p. 269, 271, 279. [y] Ibid. p. 281. [z] Trivet, p. 134. Vinisauf, p. 342. W. Heming. p. 524.

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[a] This true cross was lost in the battle of Tiberiade, to which it had been carried by the crusaders for their protection. Rigord, an author of that age, says, that after this dismal event, all the children who were born throughout all Christendom, had only twenty or twenty-two teeth, instead of thirty or thirty-two, which was their former complement, p. 14.

[b] Hoveden, p. 665. Knyghton, p. 2403. [c] W. Heming. p. 528. [d] Hoveden, p. 680. Bened. Abb. p. 626, 700. Brompton, p. 1193. [e] W. Heming. p. 532. Brompton, p. 1243. [f] Rymer, vol. i. p. 71. [g] Vinisauf, p. 391. [h] Brompton, p. 1243. [i] Rymer, vol. i. p. 71. Trivet, p. 124. W. Heming. p. 544. Diceto, p. 680. [k] W. Heming. p. 532. Brompton, p. 1245. [l] Hoveden, p. 698. Bened. Abb. p. 677. Diceto, p. 662. Brompton, p. 1214. [m] Vinisauf, p. 380. [n] Hoveden, p. 697. Bened. Abb. p. 673. M. Paris, p. 115. Vinisauf, p. 346. W. Heming. p. 531. [o] Chron. T. Wykes, p. 35. [p] Rymer, vol. i. p. 72, 73, 74, 75, 76, &c. [q] Ibid. p. 70. [r] Ibid. p. 85. [s] Hoveden, p. 730, 731. Rymer, vol. i. p. 81. [t] Hoveden, p. 724. [u] W. Heming. p. 536. [w] M. Paris, p. 121. W. Heming. p. 536. [x] Rymer, vol. i. p. 84. [y] Hoveden, p. 737. Ann. Waverl. p. 165. W. Heming. p. 540. [z] Hoveden, p. 740.

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[a] Hoveden, p. 739. [b] Rymer, vol. i. p. 88, 102. [c] Ibid. p. 91. [d] W. Heming. p. 549. Brompton, p. 1273. Rymer, vol. i. p. 94. [e] Genesis xxxvii. 32. M. Paris, p. 128. Brompton, p. 1273. [f] Rymer, vol. i. p. 109, 110. [g] Hoveden, p. 791. Knyghton, p. 2413. [h] Ibid. [i] Hoveden, p. 791. Brompton, p. 1277. Knyghton, p. 2413. [k] Hoveden, p. 743. Tyrrel, vol. ii. p. 563. [l] Prynne's Chronol. Vindic. tom. i. p. 1133. [m] Hoveden, p. 745.

[n] Madox, in his Baronia Anglica, cap. 14, tells us, that in the thirtieth of Henry II thirty-three cows and two bulls cost but eight pounds seven shillings, money of that age; five hundred sheep, twenty-two pounds ten shillings, or about ten pence three farthings per sheep; sixty-six oxen, eighteen pounds three shillings; fifteen breeding mares, two pounds twelve shillings and six pence; and twenty-two hogs, one pound two shillings. Commodities seem then to have been about ten times cheaper than at present; all except the sheep, probably on account of the value of the fleece. The same author, in his Formulare Anglicanum, p. 17, says, that in the tenth year of Richard I mention is made of ten per cent. paid for money: but the Jews frequently exacted much higher interest.

[o] M. Paris, p. 109, 134. Trivet, p. 127. Ann. Waverl. p. 165. Hoveden, p. 774. [p] Hoved.

p. 765. Dicceto, p. 691. Neubr. p. 492, 493. [q] Gervase, p. 1551. [r] Hoveden, p. 677. Matt. Paris, p. 112. Chron. de Dunst. p. 43. Rymer, vol. i. p. 66, 68. Bened. Abb. p. 619. [s] Hoveden, p. 791. Trivet. p. 138. [t] Hoved. p. 792. M. Paris, p. 137. M. West. p. 263. Knyghton, p. 2414. [u] Hoveden, p. 793. M. Paris, p. 137. [x] Rymer, vol. i. p. 114. Hoveden, p. 794. M. Paris, p. 138. [y] Hoved. p. 795. [z] Norman Duchesnii, p. 1055. Rymer, vol. i. p. 117, 118, 119. Hoved. p. 814. Chron. Dunst. vol. i. p. 47.

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[a] Annal. Burton, p. 262. [b] Ibid. [c] Philipp. lib. 6. [d] Trivet, p. 142. [e] Ann. Waverl. p. 167. M. West. p. 264. [f] Ann. Marg. p. 213. M. West. p. 264. [g] M. West. p. 264. [h] Ibid. [i] Trivet, p. 145. T. Wykes, p. 36. Ypod. Neust. p. 459. [k] W. Heming. p. 455. M. West. p. 264. Knyghton, p. 2420. [l] M. Paris, p. 146. M. West. p. 266. [m] M. Paris, p. 146. Matth. West. p. 264. [n] Trivet, p. 144. Gul. Britto, lib. 7. Ann. Waverl. p. 168. [o] Trivet, p. 147. Ypod. Neust. p. 459. [p] Trivet, p. 149. [q] M. Paris, p. 146. Mat. West. p. 265. [r] Rymer, vol. i. p. 141. [s] Ibid. p. 119. [t] M. Paris, p. 148. M. West. p. 266. [u] Ibid. [x] M. West. p. 266. [y] M. Paris, p. 149. M. West. p. 266. [z] Mat. Paris, p. 155. Chron. de Mailr. p. 182.

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[a] M. Paris, p. 155. Ann. Waverl. p. 169. W. Heming. p. 553. Knyght. p. 2415. [b] Rymer, vol. i. p. 139. M. Paris, p. 155. [c] Rymer, vol. i. p. 143. [d] M. Paris, p. 156. Trivet, p. 151. Ann. Waverl. p. 169. [e] M. Paris, p. 157. [f] Ibid. [g] Ibid. [h] Ibid. Trivet, p. 152. Ann. Waverl. p. 170. M. West. p. 268. [i] Chron. Dunst. vol. i. p. 51. [k] Ann. Waverl. p. 170. [l] M. Paris, p. 158. Ann. Waverl. p. 170. [m] Padre Paolo, Hist. Conc. Trid. lib. 1. [n] W. Heming. p. 556. Ypod. Neust. p. 460. Knyghton, p. 2420. [o] M. West. p. 268. [p] M. Paris, p. 160. Trivet, p. 154. M. West. p. 269. [q] M. Paris, p. 159. M. West. p. 270. [r] M. Paris, p. 159. [s] Ann. Waverl. p. 170. Ann. Marg. p. 14. [t] M. Paris, p. 162. M. West. p. 270, 271. [u] Ann. Waverl. p. 171. [x] M. Paris, p. 161. M. West. p. 270. [y] M. Paris, p. 162. M. West. p. 271. [z] M. Paris, p. 163. M. West. p. 271.

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[a] M. Paris, p. 162. [b] M. West. p. 271. [c] Rymer, vol. i. p. 166. M. Paris, p. 163. Annal. Burt. p. 268. [d] Rymer, vol. i. p. 170. M. Paris, p. 163. [e] Rymer, vol. i. p. 176. M. Paris, p. 165. [f] M. Paris, p. 165. Chron. Dunst. vol. i. p. 56. [g] Trivet, p. 160. [h] M. Paris, p. 166. [i] Ibid. Chron. Dunst. vol. i. p. 59. Trivet, p. 157. [k] M. Paris, p. 166. [l] Ibid. [m] Ibid. p. 167. [n] Ibid. p. 166. Ann. Waverl. p. 178. [o] M. Paris, p. 166. [p] Queen Eleanor died in 1203 or 1204. [q] Chron. Mailr. p. 188. T. Wykes, p. 36. Ann. Waverl. p. 181. W. Heming. p. 557. [r] M. Paris, p. 167. [s] Ibid. p. 175. [t] Ibid. p. 176. [u] Ibid. M. West. p. 273. [x] Rymer, vol. i. p. 197. [y] Ibid. p. 200. Trivet, p. 162. T. Wykes, p. 37. M. West. p. 273. [z] Rymer, vol. i. p. 184.

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[a] Rymer, vol. i. p. 184. [b] Ibid. p. 196, 197. [c] M. Paris, p. 176. [d] Ibid. p. 177. Chron. Dunst. vol. i. p. 71. [e] M. Paris, p. 177. [f] Rymer, vol. i. p. 200. [g] Ibid. p. 201. Chron. Dunst. vol. i. p. 73.

[h] This seems a very strong proof that the house of commons was not then in being; otherwise the knights and burgesses from the several counties could have given in to the lords a list of grievances, without so unusual an election.

[i] M. Paris, p. 181. [k] Ibid. p 182. [l] Ibid. p. 183. [m] Ibid. [n] Ibid. Chron. Dunst. vol. i. p. 72. Chron. Mailr. p. 188. [o] M. Paris, p. 183. Chron. Dunst. vol. i. p. 73. [p] Rymer, vol. i. p. 203, 204, 205, 208. M. Paris, p. 184, 185, 187. [q] Ibid. p. 189. [r] Rymer, vol. i. p. 211. M. Paris, p. 192. [s] M. Paris, p. 187. [t] Ibid. p. 194. M. West. p. 275. [u] M. Paris, p. 193. Chron. Dunst. vol. i. p. 74. [x] M. Paris, p. 195. [y] Ibid. p. 198. Chron. Dunst. vol. i. p. 75, 76. [z] W. Heming. p. 559.

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[a] M. Paris, p. 199. Matth. Westm. p. 277. [b] Chron. Dunst. vol. i. p. 78. [c] P. 169. [d] M. Paris, p. 170. [e] L'Esprit de Loix. Dr. Robertson's History of Scotland. [f] Padre Paolo Hist. Conc. Trid. [g] Tacit. de Mor. Germ. [h] Lib. Feud. lib. 1. tit. 1. [i] Marculf. Form. 47. apud Lindenbr. p. 1238.

[k] The ideas of feudal government were so rooted, that even lawyers, in those ages, could

not form a notion of any other constitution. 'Regnum,' says Bracton, lib. 2. cap. 34. 'quod ex comitatibus et baronibus dicitur esse constitutum.'

[l] Coke Comm. on Lit. p. 1, 2. ad sect. 1. [m] Somner of Gavelk. p. 109. Smith. de Rep. lib. 3. cap. 10. [n] Du Cang. Gloss. in verb. Par. Cujac. Commun. in Lib. Feud. lib. 1. tit. p. 18. Spelm. Gloss. in verb. [o] Camd. in Chesh. Spelm. Gloss. in verb. Comes Palatinus. [p] Brady's Hist. p. 198, 200. [q] Order. Vital. [r] Dugdale's Baronage, from Domesday Book, vol. i. p. 60, 74. iii. 112, 132, 136, 138, 156, 174, 200, 207, 223, 254, 257, 269.

[s] Ibid. p. 369. It is remarkable that this family of d'Arcy seems to be the only male descendants of any of the Conqueror's barons now remaining among the peers. Lord Holdernesse is the heir of that family.

[t] Spel. Gloss. in verb. Domesday. [u] Dug. Bar. vol. i. p. 79. Ibid. Origines Juridicales, p. 13. [x] Spel. Gloss. in verb. Baro.

[y] Four hides made one knight's fee: the relief of a barony was twelve times greater than that of a knight's fee; whence we may conjecture its usual value. Spelm. Gloss. in verb. Feodum. There were two hundred and forty-three thousand six hundred hides in England, and sixty thousand two hundred and fifteen knights' fees; whence it is evident that there were a little more than four hides in each knight's fee.

[z] Spelm. Gloss. in verb. Baro.

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[a] Liber homo anciently signified a gentleman; for scarce any one beside was entirely free. Spelm. Gloss. in verbo. [b] Du Cange's Gloss. in verb. Commune, Communitas.

[c] Guiburtus de vita sua, lib. iii. cap. 7.

[d] Stat. of Merton, 1235, cap. 6. [e] Holingshed, vol. iii. p. 15. [f] Madox's Baron. Angl. p. 19. [g] Norman. Du Chesnii, p. 1066. Du Cange Gloss. in verb. Commune.

[h] Sometimes the historians mention the people, populus, as a part of the parliament; but they always mean the laity, in opposition to the clergy. Sometimes the word communitas is found; but it always means communitas baronagii. These points are clearly proved by Dr. Brady. There is also mention sometimes made of a crowd or multitude that thronged into the great council on particular interesting occasions; but as deputies from boroughs are never once spoke of, the proof, that they had not then any existence, becomes the more certain and undeniable. These never could make a crowd, as they must have had a regular place assigned them, if they had made a regular part of the legislative body. There were only one hundred and thirty boroughs who received writs of summons from Edward I. It is expressly said in Gesta Reg. Steph. p. 932, that it was usual for the populace, vulgus, to crowd into the great councils; where they were plainly mere spectators, and could only gratify their curiosity.

[i] Dugd. Orig. Jurid. p. 15. Spelm. Gloss. in verbo Parliamentum. [k] Ang. Sacra, vol. i. p. 334, &c. Dugd. Orig. Jurid. p. 27, 29. Madox Hist. of Exch. p. 75, 76. Spelm. Gloss. in verbo Hundred.

[l] None of the feudal governments in Europe had such institutions as the county courts, which the great authority of the Conqueror still retained from the Saxon customs. All the freeholders of the county, even the greatest barons, were obliged to attend the sheriffs in these courts, and to assist them in the administration of justice. By these means they received frequent and sensible admonitions of their dependance on the king or supreme magistrate: they formed a kind of community with their fellow barons and freeholders: they were often drawn from their individual and independent state, peculiar to the feudal system; and were made members of a political body: and, perhaps, this institution of county-courts in England has had greater effects on the government than has yet been distinctly pointed out by historians, or traced by antiquaries. The barons were never able to free themselves from this attendance on the sheriffs and itinerant justices till the reign of Henry III.

[m] Brady, Pref. p. 143. [n] Madox Hist. of Exch. p. 103. [o] Bracton, lib. 3. cap. 9. § 1. cap. 10. § 1. [p] Spelm. Gloss. in verbo Justiciarii. [q] Madox Hist. Exch. p. 27, 29, 33, 38, 41, 54. The Normans introduced the practice of sealing charters; and the chancellor's office was to keep the great seal. Ingulf. Dugd. p. 33, 34. [r] Madox Hist. of the Exch. p. 134, 135. Gerv. Dorob. p. 1387.

[s] Madox Hist. Exch. p. 56, 70. [t] Dial. de Scac. p. 30. apud Madox Hist. of the Exch. [u] Malmes. lib. 4. p. 123. [x] Dugd. Orig. Jurid. p. 25. [y] Madox Hist. of the Exch. p. 65. Glanv. lib. 12. cap. 1, 7. LL. Hen. I. § 31. apud Wilkins, p. 248. Fitz-Stephens, p. 36. Coke's Comment. on the Statute of Mulbridge, cap. 20.

[a] Madox Hist. of the Exch. p. 83, 84, 100. Gerv. Dorob. p. 1410. What made the Anglo-Norman barons more readily submit to appeals from their court to the king's court of exchequer, was their being accustomed to like appeals in Normandy to the ducal court of exchequer. See Gilbert's History of the Exchequer, p. 1, 2; though the author thinks it doubtful whether the Norman court was not rather copied from the English, p. 6.

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[a] Fleta, lib. 1. cap. 8. § 17. lib. 3. cap. 6. § 3. Bracton, lib. 2. cap. 5. [b] LL. Will. I. cap. 61. [c] Madox, p. 530. [d] Ibid. p. p. 529. This author says a fifteenth. But it is not easy to reconcile this account to other authorities. [e] Madox, p. 529. [f] Madox's History of the Exch. p. 275, 276, 277, &c. [g] LL. Will. Conq. § 55. [h] Gervase de Tilbury, p. 25. [i] Madox's Hist. of the Exch. p. 475. [k] Mat. Paris, p. 38. So also Chron. Abb. St. Petri de Burgo, p. 55. Knyghton, p. 2366. [m] Hottom. de Feud. Disp. cap. 38. col. 886. [n] Lib. Feud. lib. 3. tit. 1. lib. 4. tit. 21, 39. [o] Id. lib. 1. tit. 21. [p] Id. lib. 4. tit. 44. [q] Id. lib. 3. tit. 1. [r] Id. lib. 4. tit. 14, 21. [s] Id. lib. 4. tit. 14. [t] Id. lib. 1. tit. 14, 21. [u] Id. lib. 1. tit. 1. [x] Spelm. Gloss. in verb. Felonia. [y] Ibid. Glanville, lib. 7. cap. 17. [z] Madox's Hist. of the Exch. p. 223. [a] Id. p. 322.

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[a] Madox's Hist. p. 320. [b] Id. p. 272. [c] Id. p. 274, 309. [d] Id. p. 295. [e] Id. ibid. [f] Id. p. 296. He paid two hundred marks, a great sum in those days. [g] Id. p. 296. [h] Id. ibid. [i] Id. p. 298. [k] Id. p. 302. [l] Id. chap. 12. [m] Id. p. 311. [n] Id. ibid. [o] Id. p. 79, 312. [p] Id. p. 312. [q] Id. p. 323. [r] Id. ibid. [s] Id. ibid. [t] Id. p. 324. [u] Id. ibid. [x] Id. p. 232, 233, &c. [y] Id. p. 298. [z] Id. p. 305. [a] Id. p. 325.

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[a] Madox's Hist. p. 326. [b] Id. ibid. [c] Id. p. 320. [d] Id. p. 326. [e] Id. p. 327, 329. [f] Id. p. 329. [g] Id. p. 330. [h] Id. p. 332. [i] Id. ibid. [k] Id. p. 333. [l] Id. ibid. [m] Id. p. 342. Pro habenda amica sua et filiis, &c. [n] Id. p. 352. [o] Id. ibid. Ut rex taceret de uxore Henrici Pinel.

[p] We shall gratify the reader's curiosity by subjoining a few more instances from Madox, p. 332. Hugh Oisel was to give the king two robes of a good green colour, to have the king's letters patent to the merchants of Flanders, with a request to render him one thousand marks, which he lost in Flanders. The abbot of Hyde paid thirty marks, to have the king's letters of request to the archbishop of Canterbury, to remove certain monks that were against the abbot. Roger de Trihanton paid twenty marks and a palfrey, to have the king's request to Richard de Umfreville to give him his sister to wife, and to the sister that she would accept of him for a husband. William de Cheveringworth paid five marks, to have the king's letter to the abbot of Persore, to let him enjoy peaceably his tithes as formerly. Matthew de Hereford, clerk, paid ten marks for a letter of request to the bishop of Landaff, to let him enjoy peaceably his church of Schenfrith. Andrew Neulun gave three Flemish caps for the king's request to the prior of Chikesand, for performance of an agreement made between them. Henry de Fontibus gave a Lombardy horse of value to have the king's request to Henry Fitz-Harvey, that he would give him his daughter to wife. Roger, son of Nicholas, promised all the lampreys he could get, to have the king's request to earl William Marshal, that he would grant him the manor of Langeford at Firm. The burgesses of Glocester promised three hundred lampreys, that they might not be distrained to find the prisoners of Poictou with necessaries, unless they pleased. Id. p. 352. Jordan, son of Reginald, paid twenty marks to have the king's request to William Paniel, that he would grant him the land of Mill Nierenuit, and the custody of his heirs: and if Jordan obtained the same, he was to pay the twenty marks, otherwise not. Id. p. 333.

[q] Madox's Hist. Exch. p. 359. [r] Bened. Abb. p. 180, 181. [s] Petri Bles. epist. 95. apud Bibl. Patrum, tom. 24. p. 2014. [t] Hoveden, Chron. Gerv. p. 1410. [u] Madox, chap. 14. [w] Spelm. Gloss. in verbo Foresta. [x] Madox's Hist. of the Exch. p. 151. This happened in the reign of king John. [y] Id. p. 151. [z] Id. p. 153.

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[a] Madox's Hist. p. 168. [b] Id. p. 156. [c] Id. chap. 7.

[d] We learn from the extracts given us of Domesday by Brady, in his Treatise of Boroughs, that almost all the boroughs of England had suffered in the shock of the conquest, and

had extremely decayed between the death of the Confessor and the time when Domesday was framed.

[c] Gloss. in verb. Judicium Dei. The author of the Mirror des Justices complains that ordinances are only made by the king and his clerks, and by aliens and others, who dare not contradict the king, but study to please him. Whence, he concludes, laws are oftener dictated by will than founded on right.

[d] Dugd. Jurid. Orig. p. 26. [e] Madox's Hist. of Exch. p. 520. [f] Char. Will. apud Wilkins, p. 230. Spelm. Conc. vol. ii. p. 14.

[g] Spel. Gloss. in verb. Manus Mortua. We are not to imagine, as some have done, that the church possessed lands in this proportion, but only that they and their vassals enjoyed such a proportionable part of the landed property.

[h] LL. Will. cap. 68. [i] Spel. Gloss. in verb. Campus. The last instance of these duels was in the fifteenth of Eliz. So long did that absurdity remain.

[m] In all legal single combats it was part of the champion's oath that he carried not about him any herb, spell, or inchantment, by which he might procure victory. Dugd. Orig. Jurid. p. 82.

[a] Mat. Paris, p. 623. [b] Ibid. p. 200. Hist. Croyl. Cont. p. 474. W. Heming. p. 562. Trivet, p. 168. [c] M. Paris, p. 200. [d] Rymer, vol. i. p. 215. [e] Ibid. Brady's App. N° 143. [f] M. Paris, p. 200, 202. [g] Ibid. p. 200. M. West. p. 277. [h] Chron. Dunst. vol. i. p. 79. M. West. p. 277. [i] M. Paris, p. 203. [k] Chron. Dunst. vol. i. p. 81. [l] M. Paris, p. 204, 205. Chron. de Mailr. p. 195.

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[a] Mat. Paris, p. 206. Ann. Waverl. p. 183. W. Heming. p. 563. Trivet, p. 169. M. West. p. 277. Knyghton, p. 2428. [b] Rymer, vol. i. p. 221. M. Paris, p. 207. Chron. Dunst. vol. i. p. 83. M. West. p. 278. Knyghton, p. 2429. [c] Mat. Paris, p. 256. Chron. Dunst. vol. i. p. 82. [d] Brady's App. N° 144. Chron. Dunst. vol. i. p. 83. [e] M. Paris, p. 210. [f] Trivet, p. 174. [g] Rymer, vol. i. p. 276. [h] Chron. Dunst. vol. i. p. 102. [i] Rymer, vol. i. p. 198. M. Paris, p. 221, 224. Ann. Waverl. p. 188. Chron. Dunst. vol. i. p. 141, 146. M. West. p. 283. [k] M. Paris, p. 217, 218, 259. Ann. Waverl. p. 187. Chron. Dunst. vol. i. p. 129. [l] M. West. p. 282. [m] Clause 9 Hen. III. m. 9. and m. 6. d. [n] M. Paris, p. 220. [o] Chron. Dunst. vol. i. p. 137. [p] Mat. Paris, p. 221. Chron. Dunst. vol. i. p. 138. [q] Coke's Comment. on Magna Charta, chap. 17. [r] Rymer, vol. i. p. 269. Trivet, p. 179. Matth. Paris, p. 253. [s] Ypod. Neustriæ, p. 464. [t] P. 232. M. West. p. 216, ascribes this counsel to Peter bishop of Winchester. [u] M. Paris, p. 259. [x] Ibid. p. 259, 260, 261, 266. Chron. T. Wykes, p. 41, 42. Chron. Dunst. vol. i. p. 220, 221. M. West. p. 291, 301. [y] M. Paris, p. 263. [z] Chron. Dunst. vol. i. p. 151.

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[a] Matth. Paris, p. 258. [b] Ibid. p. 265. [c] Chron. Dunst. vol. i. p. 219. [d] M. Paris, p. 265. [e] Ibid. p. 609. [f] Ibid. p. 271, 272. [g] Rymer, vol. i. p. 448. M. Paris, p. 286. [h] M. Paris, p. 236, 301, 305, 316, 541. M. West. p. 302, 304. [i] M. Paris, p. 484. M. West. p. 338. [k] M. Paris, p. 295, 301. [l] Rymer, vol. i. p. 383. [m] Chron. Dunst. vol. i. p. 150. [n] Trivet, p. 174. [o] M. Paris, p. 491. Matth. West. p. 338. Knyghton, p. 2436. [p] M. Paris, p. 566, 666. Ann. Waverl. p. 214. Chron. Dunst. vol. i. p. 335. [q] M. Paris, p. 301. [r] Ibid. p. 406. [s] Ibid. p. 507. [t] Ibid. p. 393, 394, 398, 399, 405. W. Heming. p. 574. Chron. Dunst. vol. i. p. 153. [u] M. Paris, p. 614. [v] Ibid. p. 501. [x] Ibid. p. 501, 507, 518, 578, 606, 625, 648. [y] Ibid. p. 244. [z] Ibid. p. 254.

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[a] Rymer, vol. i. p. 323. M. Paris, p. 255, 257. [b] Innocent's bull in Rymer, vol. i. p. 471, says only fifty thousand marks a year.

[c] M. Paris, p. 451. The customs were part of Henry's revenue, and amounted to six thousand pounds a year: they were at first small sums paid by the merchants for the use of the king's warehouses, measures, weights, &c. See Gilbert's History of the Exchcq. p. 214.

[d] M. Paris, p. 460. [e] Ibid. p. 480. Ann. Burt. p. 305, 373. [f] M. Paris, p. 474. [g] Ibid. p. 476. [h] Ibid. p. 650. [i] Rymer, vol. i p. 502, 512, 530. M. Paris, p. 599, 613. [k] Rymer, vol. i. p. 587. Chron. Dunst. vol. i. p. 319. [l] M. Paris, p. 614. [m] Rymer, vol. i. p. 547, 548, &c. [n] Ibid. p. 597, 598. [o] M. Paris, p. 612, 628. Chron. T. Wykes, p. 54. [p] M. Paris, p. 614. [q] Ibid. p. 619. [r] Rymer, vol. i. p. 624, 630. M. Paris, p. 648. [s] M. Paris, p. 638. The same author, a few pages before, makes Richard's treasures amount to little more than half the sum, p. 634. The

king's dissipations and expenses, throughout his whole reign, according to the same author, had amounted only to about nine hundred and forty thousand marks, p. 638.

[t] The sums mentioned by ancient authors, who were almost all monks, are often improbable, and never consistent. But we know, from an infallible authority, the public remonstrances to the council of Lyons, that the king's revenues were below sixty thousand marks a year. His brother therefore could never have been master of seven hundred thousand marks; especially as he did not sell his estates in England, as we learn from the same author: and we hear afterwards of his ordering all his woods to be cut, in order to satisfy the rapacity of the German princes: his son succeeded to the earldom of Cornwall and his other revenues.

[u] M. Paris, p. 432. [v] Ibid. p. 498. See farther, p. 578. M. West. p. 348. [x] M. Paris, p. 518, 558, 568. Chron. Dunst. vol. i. p. 293. [y] M. Paris, p. 568. [z] Ibid. p. 579.

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[a] M. Paris, p. 530. Ann. Burt. p. 323. Ann. Waverl. p. 210. W. Heming. p. 571. M. West. p. 353. [b] M. Paris, p. 597, 608. [c] Ibid. p. 314. [d] Ibid. p. 315. [e] Rymer, vol. i. p. 459, 513. [f] M. Paris, p. 649. [g] Annal. Theokesbury. [h] Rymer, vol. i. p. 655. Chron. Dunst. vol. i. p. 334. Knyghton, p. 2445. [i] Mat. Paris, p. 657. Addit. p. 140. Ann. Burt. p. 412. [k] Chron. Dunst. vol. i. p. 336. [l] Chron. T. Wykes, p. 52. [m] Ann. Burt. p. 411. [n] M. Paris, p. 661. [o] Ibid. p. 661, 662. Chron. T. Wykes, p. 53. [p] M. Paris, p. 667. Trivet, p. 209. [q] Annal. Burt. p. 427. [r] Ibid. [s] Ibid. p. 428, 439. [t] Chron. Dunst. vol. i. p. 348. [u] M. Paris, p. 604. [v] Rymer, vol. i. p. 675. M. Paris, p. 566. Chron. T. Wykes, p. 53. Trivet, p. 208. M. West. p. 371. [x] Chron. T. Wykes, p. 53. [y] Ann. Burt. p. 389. [z] Rymer, vol. i. p. 755.

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[a] Ann. Burt. p. 389. [b] Rymer, vol. i. p. 755. [c] Ibid. p. 722. M. Paris, p. 666. W. Heming. p. 580. Ypod. Neust. p. 468. Knyghton, p. 2446. [d] M. Paris, p. 667. [e] Ibid. p. 668. Chron. T. Wykes, p. 55. [f] Rymer, vol. i. p. 724. [g] Chron. Dunst. vol. i. p. 354. [h] Trivet, p. 211. M. West. p. 382, 392. [i] Trivet, p. 211. M. West. p. 382. [k] Chron. T. Wykes, p. 59. [l] Ibid. p. 57. [m] Chron. Dunst. vol. i. p. 358. Trivet, p. 211. [n] M. Paris, p. 669. Trivet, p. 213. [o] M. Paris, p. 668. Chron. T. Wykes, p. 58. W. Heming. p. 580. Chron. Dunst. vol. i. p. 363. [p] Rymer, vol. i. p. 776, 777, &c. Chron. T. Wykes, p. 58. Knyghton, p. 2446. [q] Chron. Dunst. vol. i. p. 363. [r] Rymer, vol. i. p. 772. M. West. p. 385. Ypod. Neust. p. 469. [s] M. Paris, p. 669. W. Heming. p. 583. [t] M. Paris, p. 670. Chron. T. Wykes, p. 62. W. Heming. p. 583. M. West. p. 387. Ypod. Neust. p. 469. H. Knyghton, p. 2450. [u] M. Paris, p. 670. M. West. p. 387. [v] Chron. T. Wykes, p. 63. [x] W. Heming. p. 584. [y] Ibid. [z] M. Paris, p. 671. Knyghton, p. 2451.

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[a] Rymer, vol. i. p. 790, 791, &c. [b] Ibid. p. 795. Brady's Appeals, N° 211, 212. Chron. T. Wykes, p. 63. [c] Rymer, vol. i. p. 792. [d] Knyghton, p. 2451. [e] Chron. T. Wykes, p. 65. [f] Ibid. [g] Rymer, vol. i. p. 793. Brady's App. N° 213. [h] Ibid. N° 216, 217. Chron. Dunst. vol. i. p. 373. Matth. West. p. 385. [i] Rymer, vol. i. p. 798. Chron. Dunst. vol. i. p. 373. [k] Rymer, vol. i. p. 802. [l] Fitz-Stephens, Hist. Quadrip. Hoveden, &c. [m] Chron. T. Wykes, p. 66. Annal. Waverl. p. 216. [n] M. Paris, p. 671. Ann. Waverl. p. 216. [o] Knyghton, p. 2451. [p] Ann. Waverl. p. 216. [q] Blackiston's Mag. Charta. Chron. Dunst. vol. i. p. 378. [r] Chron. T. Wykes, p. 67. Ann. Waverl. p. 218. W. Heming. p. 585. Chron. Dunst. vol. i. p. 383, 384. [s] Chron. de Mailr. p. 232. [t] M. Paris, p. 676. W. Heming. p. 588. [u] M. Paris, p. 675. [v] Ibid. [x] Rymer, vol. i. p. 879. vol. ii. p. 4, 5. Chron. T. Wykes, p. 94. W. Heming. p. 589. Trivet, p. 240. [y] M. Paris, p. 677. [z] Chron. T. Wykes, p. 90.

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[a] M. Paris, p. 678, 679. W. Heming. p. 520. [b] Chron. Dunst. vol. i. p. 404. [c] Rymer, vol. i. p. 869. M. Paris, p. 678. [d] Walsing. Edw. I. p. 43. [e] Statute of Merton, chap. 9. [f] Statute of Marleb. chap. 20. [g] Ibid. chap. 16. [h] Statutes at large, p. 6.

[i] We learn from Cicero's Orations against Verres, lib. 3. cap. 84, 92, that the price of corn in Sicily was, during the prætorship of Sacerdos, five denarii a modus; during that of Verres, which immediately succeeded, only two sesterces: that is, ten times lower: a presumption, or rather a proof, of the very bad state of tillage in ancient times.

[k] So also Knyghton, p. 2444. [l] M. Paris, p. 586. [m] Brussel Traité des Fiefs, vol. i. p. 576. [n] M. Paris, p. 372. [o] Ibid. p. 410. [p] Ibid. p. 525. [q] Ibid. p. 606. [r] Ibid. p. 160. [s] Madox, p. 152. [t] M. Paris, p. 613. [u] Brussel, vol. i. p. 622. Du Cange verbo Judæi. [x] Vol. i. p. 155. [y] M. Paris, p. 509. [z] Ibid. p. 421.

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[a] Trivet, p. 191. [b] Rymer, vol. i. p. 228. Spelman, p. 326. [c] Page 268. [d] Tides of Honour, part 2. chap. 3. [e] Parliamentary Hist. vol. i. p. 151. [f] Rymer, vol. ii. p. 1. Walsing. p. 43. Trivet, p. 239. [g] Walsing. p. 44. Trivet, p. 240. [h] Walsing. p. 44. Trivet, p. 241. M. West. p. 402. [i] Walsing. p. 45. [k] Rymer, vol. ii. p. 32, 33.

[l] Spelman's Gloss. in verbo Trailbaston. But Spelman was either mistaken in placing this commission in the fifth year of the king, or it was renewed in 1305. See Rymer, vol. ii. p. 960. Trivet, p. 338. M. West. p. 450.

[m] Walsing. p. 48. Heming. vol. i. p. 6. [n] T. Wykes, p. 107. [o] In the year 1290. [p] Walsing. p. 54. Heming. vol. i. p. 20. Trivet, p. 266. [q] Trivet, p. 128. [r] Ann. Waverl. p. 235. [s] Walsing. p. 46, 47. Heming. vol. i. p. 5. Trivet, p. 248. [t] Rymer, vol. ii. p. 68. Walsing. p. 46. Trivet, p. 247. [u] T. Wykes, p. 105. [x] Rymer, vol. ii. p. 88. Walsing. p. 7. Trivet, p. 251. T. Wykes, p. 106. [y] Rymer, p. 92. [z] Dr. Powell's Hist. of Wales, p. 344, 345. [a] Walsing. p. 50. Heming. vol. i. p. 9. Trivet, p. 258. T. Wykes, p. 110.

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[b] Heming. vol. i. p. 11. Trivet, p. 257. Ann. Waverl. p. 235. [c] Heming. vol. i. p. 12. Trivet, p. 259. Ann. Waverl. p. 238. T. Wykes, p. 111. M. West. p. 411. [d] Sir J. Wynne, p. 15. [e] Rymer, vol. ii. p. 149, 150, 174. [f] Heming. vol. i. p. 16, 17. [g] Ibid. p. 29. Trivet, p. 267. [h] Rymer, vol. ii. p. 266. [i] Ibid. p. 482. [k] Heming. vol. i. p. 30. Trivet, p. 268. [l] Heming. vol. i. p. 36. [m] Ibid. p. 31. [n] Walsing. p. 55. [o] Rymer, vol. ii. p. 559. [p] Hoveden, p. 492, 662. M. Paris, p. 109. M. West. p. 256. [q] P. 662. [r] Neubr. lib. 2. cap. 4. Knyghton, p. 2392. [s] Hoveden, p. 811. [t] Rymer, vol. ii. p. 844.

[u] Rymer, vol. ii. p. 216, 845. There cannot be the least question that the homage usually paid by the kings of Scotland was not for their crown, but for some other territory. The only question remains, what that territory was? It was not always for the earldom of Huntingdon, nor the honour of Penryth; because we find it sometimes done at a time when these possessions were not in the hands of the kings of Scotland. It is probable that the homage was performed in general terms, without any particular specification of territory; and this inaccuracy had proceeded either from some dispute between the two kings about the territory and some opposite claims, which were compromised by the general homage, or from the simplicity of the age, which employed few words in every transaction. To prove this we need but look into the letter of king Richard, where he resigns the homage of Scotland, reserving the usual homage. His words are, 'Sæpedictus W. Rex ligius homo noster deveniat de omnibus terris de quibus antecessores sui antecessorum nostrorum ligii homines fuerunt, et nobis atque hæredibus nostris fidelitatem jurarunt.' Rymer, vol. i. p. 65. These general terms were probably copied from the usual form of the homage itself.

It is no proof that the kings of Scotland possessed no lands or baronies in England, because we cannot find them in the imperfect histories and records of that age. For instance, it clearly appears, from another passage of this very letter of Richard, that the Scottish king held lands both in the county of Huntingdon and elsewhere in England; though the earldom of Huntingdon itself was then in the person of his brother David; and we know at present of no other baronies which William held. It cannot be expected that we should now be able to specify all his fees which he either possessed or claimed in England; when it is probable that the two monarchs themselves, and their ministers, would at that very time have differed in the list: the Scottish king might possess some to which his right was disputed; he might claim others which he did not possess: and neither of the two kings was willing to resign his pretensions by a particular enumeration.

A late author of great industry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scotch homage, and has pretended that it was done for Lothian and Galloway; that is, all the territories of the country now called Scotland, lying south of the Clyde and Forth. But to refute this pretension at

once, we need only consider, that if these territories were held in fee of the English kings, there would, by the nature of the feudal law as established in England, have been continual appeals from them to the courts of the lord paramount; contrary to all the histories and records of that age. We find, that as soon as Edward really established his superiority, appeals immediately commenced from all parts of Scotland: and that king, in his writ to the king's bench, considers them as a necessary consequence of the feudal tenure. Such large territories also would have supplied a considerable part of the English armies, which never could have escaped all the historians. Not to mention that there is not any instance of a Scotch prisoner of war being tried as a rebel, in the frequent hostilities between the kingdoms, where the Scottish armies were chiefly filled from the southern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, most of the south-west counties of Scotland; his notion, I say, rests on so slight a foundation, that it scarcely merits being refuted. He will have it (and merely because he will have it) that the Cumberland, yielded by king Edmund to Malcolm I, meant not only the county in England of that name, but all the territory northwards to the Clyde. But the case of Lothian deserves some more consideration.

It is certain, that in very ancient language, Scotland means only the country north of the friths of Clyde and Forth. I shall not make a parade of literature to prove it; because I do not find that this point is disputed by the Scots themselves. The southern country was divided into Galloway and Lothian; and the latter comprehended all the south-east counties. This territory was certainly a part of the ancient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the English histories that the whole kingdom of Northumberland paid very little obedience to the Anglo-Saxon monarchs, who governed after the dissolution of the heptarchy; and the northern and remote parts of it seem to have fallen into a kind of anarchy, sometimes pillaged by the Danes, sometimes joining them in their ravages upon other parts of England. The kings of Scotland, lying nearer them, took at last possession of the country, which had scarcely any government; and we are told by Matthew of Westminster, p. 193, that king Edgar made a grant of the territory to Kenneth III, that is, he resigned claims which he could not make effectual, without bestowing on them more trouble and expense than they were worth: for these are the only grants of provinces made by kings; and so ambitious and active a prince as Edgar would never have made presents of any other kind. Though Matthew of Westminster's authority may appear small with regard to so remote a transaction, yet we may admit it in this case, because Ordericus Vitalis, a good authority, tells us, p. 701, that Malcolm acknowledged to William Rufus that the Conqueror had confirmed to him the former grant of Lothian. But it follows not, because Edgar made this species of grant to Kenneth, that therefore he exacted homage for that territory. Homage, and all the rights of the feudal law, were very little known among the Saxons; and we may also suppose that the claim of Edgar was so antiquated and weak, that in resigning it he made no very valuable concession; and Kenneth might well refuse to hold, by so precarious a tenure, a territory which he at present held by the sword. In short, no author says he did homage for it.

The only colour, indeed, of authority for Mr. Carte's notion is, that Matthew Paris, who wrote in the reign of Henry III, before Edward's claim of superiority was heard of, says that Alexander III did homage to Henry III 'pro Laudiano et aliis terris.' See page 555. This word seems naturally to be interpreted Lothian. But, in the first place, Matthew Paris's testimony, though considerable, will not outweigh that of all the other historians, who say that the Scotch homage was always done for lands in England. Secondly, if the Scotch homage was done in general terms (as has been already proved), it is no wonder that historians should differ in their account of the object of it, since it is probable that the parties themselves were not fully agreed. Thirdly, there is reason to think that Laudianum, in Matthew Paris, does not mean the Lothians now in Scotland. There appears to have been a territory which anciently bore that or a similar name in the north of England. For (1) the Saxon Chronicle, p. 197, says that Malcolm Kenmure met William Rufus in Lodene in England. (2) It is agreed by all historians that Henry II only reconquered from Scotland the northern counties of Northumberland, Cumberland, and

Westmoreland. See Newbriggs, p. 383. Wykes, p. 30. Hemingford, p. 492. Yet the same country is called by other historians Loidis, comitatus Lodouensis, or some such name. See Matth. Paris, p. 68. Matth. West. p. 247. Ann. Waverl. p. 159. and Diceto, p. 531. (3) This last mentioned author, when he speaks of Lothian in Scotland, calls it Loheneis, p. 574, though he had called the English territory Loidis.

I thought this long note necessary, in order to correct Mr. Carte's mistake, an author whose diligence and industry has given light to many passages of the more ancient English history.

[u] Rymer, vol. ii. p. 539, 845. Walsing. p. 56.

[w] Rymer, vol. ii. p. 543. It is remarkable that the English chancellor spoke to the Scotch parliament in the French tongue. This was also the language commonly made use of by all parties on that occasion. Ibid. passim. Some of the most considerable among the Scotch, as well as almost all the English barons, were of French origin; they valued themselves upon it; and pretended to despise the language and manners of the island. It is difficult to account for the settlement of so many French families in Scotland, the Bruces, Baliols, St. Clairs, Montgomeries, Somervilles, Gordons, Frasers, Cummins, Colvilles, Umfrevilles, Mowbrays, Hays, Maules, who were not supported there, as in England, by the power of the sword. But the superiority of the smallest civility and knowledge over total ignorance and barbarism is prodigious.

[x] Page 56. Matth. Westm. p. 436. It is said by Hemingford, vol. i. p. 33, that the king menaced violently the Scotch barons, and forced them to compliance, at least to silence.

[y] Rymer, vol. ii. p. 548. [z] Walsing. p. 58.

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[a] Rymer, vol. ii. p. 529, 545. Walsing. p. 56. Heming. vol. i. p. 33, 34. Trivet, p. 260. M. West. p. 415. [b] Rymer, vol. ii. p. 546, 577, 578, 579. [c] Ibid. p. 555, 556. [d] Ibid. p. 529. Walsing. p. 56, 57. [e] Rymer, vol. ii. p. 531. [f] Ibid. p. 573. [g] Ibid. p. 590, 591, 593, 600. [h] Ibid. p. 590. [i] Ibid. p. 603, 605, 606, 608, 615, 616. [k] Ryley's Placit. Parl. p. 152, 153.

[l] See Rymer, vol. ii. p. 533, where Edward writes to the king's bench to receive appeals from Scotland. He knew the practice to be new and unusual; yet he establishes it as an infallible consequence of his superiority. We learn also from the same collection, p. 603, that immediately upon receiving the homage he changed the style of his address to the Scotch king, whom he now calls 'dilecto et fideli,' instead of 'fratri dilecto et fideli,' the appellation which he had always before used to him; see p. 109, 124, 168, 280, 1064. This is a certain proof that he himself was not deceived, as was scarcely indeed possible, but that he was conscious of his usurpation. Yet he solemnly swore afterwards to the justice of his pretensions, when he defended them *before* pope Boniface.

[m] Walsing. p. 58. Heming. vol. i. p. 39.

[n] Walsing. p. 58. [o] Heming. vol. i. p. 40. M. West. p. 419. [p] Heming. vol. i. p. 40.

[q] Walsing. p. 60. Trivet, p. 274. Chron. Dunst. vol. ii. p. 609. [r] Trivet, p. 275.

[s] Trivet, p. 276. [t] Rymer, vol. ii. p. 619, 620. Walsing. p. 61. Heming. vol. i. p. 42, 43. Trivet, p. 277. [u] Rymer, vol. ii. p. 620, 622. Walsing. p. 61. Trivet, p. 278. [w] Heming. vol. i. p. 51. [x] Chron. Dunst. vol. ii. p. 622.

[y] Walsing. p. 62. Heming. vol. i. p. 55. Trivet, p. 282. Chron. Dunst. vol. ii. p. 622.

[z] Trivet, p. 279.

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[a] Heming. vol. i. p. 49. [b] Trivet, p. 284. Chron. Dunst. vol. ii. p. 642. [c] Rymer, vol. ii. p. 680, 681, 695, 697. Heming. vol. i. p. 76. Trivet, p. 285. [d] Cotton's Abr. p. 11. [e] Madox's Baronia Anglica, p. 114.

[f] Ibid. p. 115. [g] We hear only of one king, Henry II, who took this pains; and the record, called Liber niger Scaccarii, was the result of it. [h] Madox's Bar. Ang. p. 116.

[i] Ibid. p. 122. Hist. of Exch. p. 404.

[k] In order to pay the sum of one hundred thousand marks, as king Richard's ransom, twenty shillings were imposed on each knight's fee. Had the fees remained on the original footing as settled by the Conqueror, this scutage would have amounted to ninety thousand marks, which was nearly the sum required: but we find that other grievous taxes were imposed to complete it: a certain proof that many frauds and abuses had prevailed in the roll of knights' fees.

[l] Chancellor West's Enquiry into the Manner of creating Peers, p. 43, 46, 47, 55. [m] In Britann. p. 122. [n] Spelm. Gloss. in voce Comes.

[o] Essays on British Antiquities. This practice, however, seems to have been more familiar in Scotland, and the kingdoms on the continent, than in England.

[p] There are instances of the princes of the blood who accepted of the office of sheriff. Spelman in voce Vicecomes. [q] Rot. Claus. 38 Hen. III, m. 7 and 12, d. as also Rot. Claus. 42 Hen. III, m. 1, d. Prynne's Pref. to Cotton's Abridgment. [r] Brady's Answer to Petyt, from the records, p. 151. [s] Brady's Treatise of Boroughs, App. N° 13. [t] Ibid. p. 31, from the records. Heming. vol. i. p. 52. M. West. p. 422. Ryley, p. 462. [u] Madox, Firma Burgi, p. 21. [v] Brady of Boroughs, App. N° 1, 2, 3.

[x] The king had not only the power of talliating the inhabitants within his own demesnes, but that of granting to particular barons the power of talliating the inhabitants within theirs. See Brady's Answer to Petyt, p. 118. Madox's Hist. of the Exchequer, p. 518.

[y] Writs were issued to about one hundred and twenty cities and boroughs.

[z] Brady of Boroughs, p. 25, 33, from the records. The writs of the parliament immediately preceding remain; and the return of knights is there required, but not a word of the boroughs: a demonstration that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a seeming free consent of each particular borough, beginning with London. Id. p. 31, 32, 33, from the records. Also his Answer to Petyt, p. 40, 41.

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[a] Reliquia Spelm. p. 64. Prynne's Pref. to Cotton's Abridgment, and the Abridg. passim.

[b] Brady of Boroughs, p. 59, 60. [c] Ibid. p. 37, 38, from the records, and Append. p. 19. Also his Append. to his Answer to Petyt, Record. And his Gloss. in verb. Communitas Regn. p. 33. [d] Ryley's Placit. Parl. p. 241, 242, &c. Cotton's Abridg. p. 14.

[e] Brady of Boroughs, p. 52, from the records. There is even an instance in the reign of Edward III when the king named all the deputies. Id. Ans. to Petyt, p. 161. If he fairly named the most considerable and creditable burgesses, little exception would be taken; as their business was not to check the king, but to reason with him, and consent to his demands. It was not till the reign of Richard II that the sheriffs were deprived of the power of omitting boroughs at pleasure. See Stat. at large, 5th Richard II, cap. 4.

[f] Throughout the reign of Edward I the assent of the commons is not once expressed in any of the enacting clauses; nor in the reigns ensuing, till the 9th Edward III, nor in any of the enacting clauses of 16 Richard II. Nay even so low as Henry VI, from the beginning till the eighth of his reign, the assent of the commons is not once expressed in any enacting clause. See preface to Ruffhead's edit. of the Statutes, p. 7. If it should be asserted, that the commons had really given their assent to these statutes, though they are not expressly mentioned, this very omission, proceeding, if you will, from carelessness, is a proof how little they were respected. The commons were so little accustomed to transact public business, that they had no speaker till after the parliament 6th Edward III. See Prynne's preface to Cotton's Abridg. Not till the first of Richard II in the opinion of most antiquaries. The commons were very unwilling to meddle in any state affairs, and commonly either referred themselves to the lords, or desired a select committee of that house to assist them, as appears from Cotton. 5 E. III, n. 5; 15 E. III, n. 17; 21 E. III, n. 5; 47 E. III, n. 5; 50 E. III, n. 10; 51 E. III, n. 18; 1 R. II, n. 12; 2 R. II, n. 12; 5 R. II, n. 14; 2 parl. 6 R. II, n. 14; parl. 2, 6 R. II, n. 8, &c.

[g] In those instances found in Cotton's Abridgment, where the king appears to answer of himself the petitions of the commons, he probably exerted no more than that power which was long inherent in the crown, of regulating matters by royal edicts or proclamations. But no durable or general statute seems ever to have been made by the king from the petition of the commons alone, without the assent of the peers. It is more likely that the peers alone, without the commons, would enact statutes.

[h] Brady's Answer to Petyt, p. 85, from the records. [i] Cotton's Abridgment, p. 13.

[k] It was very agreeable to the maxims of all the feudal governments, that every order of the state should give their consent to the acts which more immediately concerned them; and as the notion of a political system was not then so well understood, the other orders of the state were often not consulted on these occasions. In this reign even the merchants, though no public body, granted the king impositions on merchandise, because the first payments came out of

their pockets. They did the same in the reign of Edward III, but the commons had then observed that the people paid these duties, though the merchants advanced them; and they therefore remonstrated against this practice. Cotton's Abridg. p. 39. The taxes imposed by the knights on the counties were always lighter than those which the burgesses laid on the boroughs; a presumption that in voting those taxes the knights and burgesses did not form the same house. See chancellor West's enquiry into the manner of creating peers, p. 8. But there are so many proofs that those two orders of representatives were long separate, that it is needless to insist on them. Mr. Carte, who had carefully consulted the rolls of parliament, affirms that they never appear to have been united till the sixteenth of Edward III. See Hist. vol. ii. p. 451. But it is certain that this union was not even then final: in 1372 the burgesses acted by themselves, and voted a tax after the knights were dismissed. See Tyrrel, Hist. vol. iii. p. 734, from Rot. Claus. 46 Edw. III, n. 9. In 1376 they were the knights alone who passed a vote for the removal of Alice Pierce from the king's person, if we may credit Walsingham, p. 189. There is an instance of a like kind in the reign of Richard II. Cotton, p. 193. The different taxes voted by those two branches of the lower house naturally kept them separate: but as their petitions had mostly the same object, namely, the redress of grievances, and the support of law and justice, both against the crown and the barons, this cause as naturally united them, and was the reason why they at last joined in one house for the dispatch of business. The barons had few petitions. Their privileges were of more ancient date: grievances seldom affected them: they were themselves the chief oppressors. In 1333 the knights by themselves concurred with the bishops and barons in advising the king to stay his journey into Ireland. Here was a petition which regarded a matter of state, and was supposed to be above the capacity of the burgesses. The knights, therefore, acted apart in this petition. See Cotton, Abridgm. p. 13. Chief baron Gilbert thinks that the reason why taxes always began with the commons or burgesses was, that they were limited by the instructions of their boroughs. See Hist. of the Exchequer, p. 37.

[1] The chief argument from ancient authority, for the opinion that the representatives of boroughs preceded the forty-ninth of Henry III, is the famous petition of the borough of St. Albans, first taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition, presented to the parliament in the reign of Edward II, the town of St. Albans asserts, that though they held in capite of the crown, and owed only for all other service, their attendance in parliament, yet the sheriff had omitted them in his writs; whereas both in the reign of the king's father, and all his predecessors, they had always sent members. Now, say the defenders of this opinion, if the commencement of the house of commons were in Henry III's reign, this expression could not have been used. But Madox, in his History of the Exchequer, p. 522, 523, 524, has endeavoured, and with great reason, to destroy the authority of this petition for the purpose alleged. He asserts, first, that there was no such tenure in England as that of holding by attendance in parliament, instead of all other service. Secondly, that the borough of St. Albans never held of the crown at all, but was always demesne land of the abbot. It is no wonder, therefore, that a petition which advances two falsehoods, should contain one historical mistake, which indeed amounts only to an inaccurate and exaggerated expression; no strange matter in ignorant burgesses of that age. Accordingly St. Albans continued still to belong to the abbot. It never held of the crown till after the dissolution of the monasteries. But the assurance of these petitioners is remarkable. They wanted to shake off the authority of their abbot, and to hold of the king; but were unwilling to pay any services even to the crown: upon which they framed this idle petition, which later writers have made the foundation of so many inferences and conclusions. From the tenour of the petition it appears that there was a close connexion between holding of the crown and being represented in parliament: the latter had scarcely ever place without the former: yet we learn from Tyrrel's Appendix, vol. iv, that there were some instances to the contrary. It is not improbable that Edward followed the roll of the earl of Leicester, who had summoned, without distinction, all the considerable boroughs of the kingdom; among which there might be some few that did not hold of the crown. Edward also found it necessary to impose taxes on all the boroughs in the kingdom without distinction. This was a good expedient for augmenting his revenue. We are not to imagine, because the house of commons have since become of great import-

ance, that the first summoning of them would form any remarkable and striking epoch, and be generally known to the people even seventy or eighty years after. So ignorant were the generality of men in that age, that country burgesses would readily imagine an innovation, seemingly so little material, to have existed from time immemorial, because it was beyond their own memory, and perhaps that of their fathers. Even the parliament in the reign of Henry V say that Ireland had, from the beginning of time, been subject to the crown of England. (See Brady.) And surely, if any thing interests the people above all others, it is war and conquests, with their dates and circumstances.

[m] Archbishop Wake's State of the Church of England, p. 235. Brady of Boroughs, p. 34. Gilbert's Hist. of the Exch. p. 46. [n] Ann. Waverl. p. 227, 228. T. Wykes, p. 99, 120. [o] Gilbert's Hist. of the Exchequer, p. 51, 54. [p] Rymer, vol. ii. p. 692. Walsing. p. 64. Heming. vol. i. p. 84. Trivet, p. 286. [q] Heming. vol. i. p. 75. [r] Rymer, vol. ii. p. 607. Walsing. p. 66. Heming. vol. i. p. 92. [s] Rymer, vol. ii. p. 718. Walsing. p. 67. Heming. vol. i. p. 99. Trivet, p. 292. [t] Walsing. p. 68. Trivet, p. 299. [u] Rymer, vol. ii. p. 726. Trivet, p. 295. [w] Heming. vol. i. p. 72, 73, 74. [x] Rymer, vol. ii. p. 761. Walsing. p. 68. [y] Rymer, vol. ii. p. 706. Heming. vol. i. p. 104. [z] Heming. vol. i. p. 107. Trivet, p. 296. Chron. Dunst. vol. ii. p. 652.

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[a] Heming. vol. i. p. 107. [b] Walsing. p. 65. Heming. vol. i. p. 51. [c] Walsing. p. 69. Heming. vol. i. p. 107. [d] M. West. p. 429. [e] Heming. vol. i. p. 109. [f] Ibid. p. 108, 109. Chron. Dunst. p. 653. [g] Chron. Dunst. vol. ii. p. 654. [h] Walsing. p. 69. Trivet, p. 296. [i] Heming. vol. i. p. 52, 110. [k] Ibid. p. 111. [l] Walsing. p. 69. [m] Heming. vol. i. p. 112. [n] Rymer, vol. ii. p. 783. Walsing. p. 70. [o] Matth. West. p. 430. [p] Heming. vol. i. p. 113. [q] Ibid. p. 114. M. West. p. 430. [r] Walsing. p. 72. Heming. vol. i. p. 115. Trivet, p. 302. [s] Walsing. p. 72. Heming. vol. i. p. 117. Trivet, p. 304. [t] Heming. vol. i. p. 138. [u] Walsing. p. 73. Heming. vol. i. p. 138, 139, 140, 141. Trivet, p. 308. [x] Walsing. p. 74. Heming. vol. i. p. 143. [y] Heming. vol. i. p. 143. [z] Ibid. p. 159.

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[a] Heming. p. 167, 168. [b] Ibid. p. 168. [c] Ibid. p. 170.

[d] Walsing. p. 80. We are told by Tyrrel, vol. ii. p. 145, from the chronicle of St. Albans, that the barons, not content with the execution of the charter of forests, demanded of Edward as high terms as had been imposed on his father by the earl of Leicester: but no other historian mentions this particular.

[e] Heming. vol. i. p. 171. M. West. p. 431, 433. Brady, vol. ii. p. 84. Carte, vol. ii. p. 292.

[f] It must, however, be remarked, that the king never forgave the chief actors in this transaction; and he found means afterwards to oblige both the constable and mareschal to resign their offices into his hands. The former received a new grant of it: but the office of mareschal was given to Thomas of Brotherton, the king's second son.

[h] Heming. vol. i. p. 146. [i] Rymer, vol. ii. p. 817. Heming. vol. i. p. 149. Trivet, p. 310. [k] Rymer, vol. ii. p. 823. [l] Walsing. p. 70. Heming. vol. i. p. 118. Trivet, p. 299. [m] Walsing. p. 70. Heming. vol. i. p. 118. [n] Heming. vol. i. p. 121, 122. [o] Ibid. p. 127. [p] On the eleventh of September 1297. [q] Walsing. p. 73. Heming. vol. i. p. 127, 128, 129. Trivet, p. 307. [r] Heming. vol. i. p. 130. [s] Ibid. p. 131, 132, 133. [t] Rymer, vol. ii. p. 813. [u] Walsing. p. 75. Heming. vol. i. p. 163. [x] Walsing. p. 76. T. Wykes, p. 127. Heming. vol. i. p. 163, 164, 165. Trivet, p. 313, says only twenty thousand. M. West. p. 431, says forty thousand.

[y] This story is told by all the Scotch writers; though it must be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not at that time in Edward's army.

[z] Rymer, vol. ii. p. 844.

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[a] Rymer, vol. ii. p. 863. [b] Ibid. p. 873. Walsing. p. 85. Heming. vol. i. p. 186. Trivet, p. 330. M. West. p. 443. [c] Heming. vol. i. p. 197. [d] Ibid. p. 205. [e] Ryley, p. 506. [f] Brady's Hist. vol. ii. App. N° 27. [g] M. West. p. 453. [h] Walsing. p. 91. Heming. vol. i. p. 222, 223. Trivet, p. 344. [i] Heming. vol. i. p. 223. M. West. p. 456. [k] Institute, p. 156. [l] History of the English Law, p. 158, 163.

[m] Articuli super Cart. cap. 6. Edward enacted a law to this purpose; but it is doubtful whether he ever observed it. We are sure that scarcely any of his successors did. The multitude of these letters of protection were the ground of a complaint by the commons in 3 Edward II. See Ryley, p. 525. This practice is declared illegal by the statute of Northampton, passed in the second of Edward III, but it still continued, like many other abuses. There are instances of it so late as the reign of queen Elizabeth.

[n] Statute of Winton. [o] Statute of Acton Burnel. [p] Stat. of Conspirators. [q] Spelm. Gloss. in verbo Justiciarius. Gilbert's Hist. of the Exch. p. 8. [r] Brady of Boroughs, p. 23, from the records. [s] P. 234. See also M. West. p. 409. [t] Rymer, vol. ii. p. 77, 107. [u] Ibid. p. 862. [x] Anderson's History of Commerce, vol. i. p. 137. [y] Ibid. p. 146. [z] Rymer, vol. iv. p. 361. It is the charter of Edward I which is there confirmed by Edward III.

[a] Rymer, vol. ii. p. 930. [b] Ibid. p. 1092.

NOTES

TO

THE SECOND VOLUME.

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[a] Trivet, p. 346. [b] Rymer, vol. iii. p. 1. Heming. vol. i. p. 243. Walsing. p. 96. [c] T. de la More, p. 593. Walsing. p. 97. [d] T. de la More, p. 593. Trivet, cont. p. 3. [e] Rymer, vol. iii. p. 47. Ypod. Neust. p. 499. [f] Brady's App. N° 49. [g] Trivet, cont. p. 5. [h] Rymer, vol. iii. p. 80. [i] Ibid. p. 92. Murimuth, p. 39. [k] Rymer, vol. iii. p. 87. [l] Heming. vol. i. p. 248. T. de la More, p. 593. [m] Rymer, vol. iii. p. 167. [n] Brady's App. N° 59. Heming. vol. i. p. 247. Walsing. p. 97. Ryley, p. 526. [o] Brady's App. N° 51. [p] Ryley's Placit. Parl. p. 530, 541. [q] Brady's App. N° 53. Walsing. p. 98. [r] Trivet, cont. p. 4. [s] Walsing. p. 101. [t] Ibid. p. 101. [u] Rymer, vol. ii. p. 324. [x] T. de la More, p. 593. [y] Dugd. Baron. vol. ii. p. 44. [z] Walsing. p. 101. T. de la More, p. 593. Trivet, cont. p. 9.

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[a] Ryley, p. 538. Rymer, vol. iii. p. 366. [b] Rymer, vol. iii. p. 481. [c] T. de la More, p. 594. [d] Ibid. [e] Ypod. Neust. p. 501. [f] Ryley, p. 560. Rymer, vol. iii. p. 722. [g] Brady, vol. ii. p. 122, from the records, App. N° 61. Ryley, p. 560. [h] Dugd. Baron. p. 389. [i] T. de la More, p. 594. [k] Walsingham, p. 113. T. de la More, p. 595. Murimuth, p. 55. [l] Trivet, cont. p. 25. [m] Monach. Malmes. [n] Murimuth, p. 55. [o] Tyrrel, vol. ii. p. 280, from the register of C. C. Canterbury. [p] Walsingham, p. 114. [q] Tottle's Collect. part 2. p. 50. Walsing. p. 114. [r] Tottle's Collect. part 2. p. 54. Rymer, vol. iii. p. 891. [s] Rymer, vol. iii. p. 89. Walsing. p. 114, 115. T. de la More, p. 595. Murimuth, p. 56. [t] Walsing. p. 115. [u] Rymer, vol. iii. p. 907. T. de la More, p. 595. [x] Walsing. p. 115. Murimuth, p. 57. [y] Rymer, vol. iii. p. 958. [z] Walsing. p. 115.

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[a] Ypod. Neust. p. 504. [b] T. de la More, p. 526. Walsing. p. 116. [c] Tyrrel, vol. ii. p. 291, from the records. [d] Leland's Coll. vol. i. p. 668. [e] Rymer, vol. iii. p. 1022. Murimuth, p. 60. [f] Rymer, vol. iv. p. 74, 98. [g] Ibid. p. 7, 8, 20. T. de la More, p. 596. Walsing. p. 120. Ypod. Neust. p. 506. [h] T. de la More, p. 568. Murimuth, p. 65. [i] Rymer, vol. iv. p. 184, 188, 225. [k] T. de la More, p. 598. [l] Walsing. p. 123. Ypod. Neust. p. 507. T. de la More, p. 598. Murimuth, p. 66. [m] Ypod. Neust. p. 508. [n] Walsing. p. 123. [o] Ibid. p. 124. T. de la More, p. 599. Murimuth, p. 66. [p] Walsing. p. 124. [q] Murimuth, p. 67. [r] Leland's Coll. vol. i. p. 673. T. de la More, p. 599. Walsing. p. 125. M. Froissard, liv. 1. chap. 13. [s] Walsingham, p. 125. Ypod. Neust. p. 508. [t] Walsingham, p. 126. Murimuth, p. 68. [u] Knyghton, p. 2765, 2766. Brady's App. N° 72. [x] Rymer, vol. iv. p. 137. Walsing. p. 125. [y] Walsing. p. 126. [z] Anonymi Hist. p. 838. [a] T. de la More, p. 602.

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[a] Cotton's Abridg. p. 8. [b] Ibid. p. 66, 81. Rymer, vol. v. p. 600. [c] Ibid. vol. iii. p. 31, 101. [d] It was pretended that he kissed the knights who received him on the mouth, navel, and breech. Dupuy, p. 15, 16. Wals. p. 99. [e] Vertot, vol. ii. p. 142. [f] Rymer, vol. iii. p. 323, 956. vol. iv. p. 47. Ypod. Neust. p. 506. [g] Trivet, cont. p. 17, 18. [h] Walsingham, p. 107. [i] Rot. Parl. 7 Edw. II, n. 35, 36. Ypod. Neust. p. 502. [k] Murimuth, p. 48. Walsingham, p. 108, says it rose to six pounds. [l] Ypod. Neust. p. 502. Trivet, cont. p. 18. [m] Dugdale, passim. [n] Rymer, vol. iii. p. 388. [o] Ibid. p. 770. [p] Brady's Hist. vol. ii. p. 143, from claus. 15 Edw. II, m. 14. Dors. in cedula. [q] Ypod. Neust. p. 502. Wals. p. 107. [r] Ypod. Neust. p. 503. T. de

la More, p. 595. Trivet, cont. p. 22. Murimuth, p. 51. [b] Ypod. Neust. p. 504. [c] Rymer, vol. iv. p. 245, 257, 258, &c. [d] Froissard, liv. 4. chap. 18. [e] Ibid. liv. 1. chap. 17. [f] Ibid. liv. 4. chap. 19. [g] Rymer, vol. iv. p. 312. Froissard, liv. 4. chap. 19.

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[a] Froissard, liv. 4. chap. 19. [b] Ibid. Hemingford, p. 268. Ypod. Neust. p. 509. Knyghton, p. 2552. [c] Froissard, liv. 4. chap. 19. [d] Rymer, p. 337. Heming. p. 270. Anon. Hist. p. 392. [e] Ypod. Neust. p. 510. [f] Knyghton, p. 2554. [g] Avesbury, p. 8. Anon. Hist. p. 395. [h] Heming. p. 271. Ypod. Neust. p. 510. Knyghton, p. 2555. [i] Avesbury, p. 9. [k] Brady's App. N° 83. Anon. Hist. p. 397, 398. Knyghton, p. 2556. [l] Cotton's Abridg. p. 85, 86. [m] Ibid. p. 10. [n] Ibid. [o] Rymer, vol. iv. p. 384. [p] Ibid. p. 251. [q] Froissard, liv. 1. chap. 21. [r] Heming. p. 272. Walsing. p. 131. Knyghton, p. 2560. [s] Knyghton, p. 2561. [t] Heming. p. 273. Walsing. p. 131. Knyghton, p. 2561. [u] Hemingford, p. 273. Knyghton, p. 2561. [v] Cotton's Abridg. [w] Rymer, vol. iv. p. 564, 565, 566. [x] Heming. p. 275, 276, 277. Knyghton, p. 2559. Otterborne, p. 115.

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[a] Rymer, vol. iv. p. 590, 614. [b] Froissard, liv. 1. chap. 4. [c] Ibid. chap. 22. [d] Rymer, vol. iv. p. 477, 481. Froissard, liv. 1. chap. 25. Anon. Hist. p. 394. Walsing. p. 130. Murimuth, p. 73. [e] Froissard, liv. 1. chap. 29. [f] Rymer, vol. iv. p. 747. Froissard, liv. 1. chap. 27. [g] Rymer, vol. iv. p. 777. [h] Froissard, liv. 1. chap. 29, 33, 36. [i] Ibid. chap. 30. Meyerus. [k] Froissard, liv. 1. chap. 30. [l] Cotton's Abridg. [m] Dugd. Baron. vol. ii. p. 146. [n] Froissard, liv. 1. chap. 35. [o] Heming. p. 303. Walsingham, p. 143. [p] Froissard, liv. 1. chap. 39. Heming. p. 305. [q] Froissard, liv. 1. chap. 39. [r] Ibid. chap. 41, 42, 43. Heming. p. 307. Walsing. p. 143. [s] Cotton's Abridg. p. 17. [t] 14 Edward III. [u] Froissard, liv. 1. chap. 51. Avesbury, p. 56. Heming. p. 321. [w] Walsing. p. 148. [x] Rymer, vol. v. p. 197. [y] Froissard, liv. 1. chap. 57. [z] Ibid. ch. 54.

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[a] Du Tillet, Recueil de Traitez, &c. Heming. p. 325, 326. Walsing. p. 149. [b] Froissard, liv. 1. chap. 64. Avesbury, p. 65. [c] Heming. p. 352. Ypod. Neust. p. 514. Knyghton, p. 2580. [d] Ypod. Neust. p. 513. [e] Avesbury, p. 70. Heming. p. 326. Walsing. p. 150. [f] Heming. p. 339. Ang. Sacra, vol. i. p. 21, 22. Walsingham, p. 153. [g] Anglia Sacra, vol. i. p. 27. [h] Ibid. p. 38, 39, 40, 41. [i] 15 Edward III.

[k] Statutes at large, 15 Edward III. That this protest of the king's was secret, appears evidently, since otherwise it would have been ridiculous in the parliament to have accepted of his assent: besides, the king owns that he dissembled, which would not have been the case had his protest been public.

[l] Statutes at large, 15 Edward III. [m] Cotton's Abridgm. p. 38, 39. [n] Froissard, liv. 1. chap. 64. [o] Ibid. chap. 65, 66, 67, 68. [p] Ibid. chap. 69. [q] Ibid. chap. 70, 71. [r] Ibid. chap. 73. [s] Ibid. chap. 81. [t] Ibid. [u] Ibid. chap. 93. [w] Ibid. chap. 94. [x] Ibid. chap. 95. [y] Ibid. chap. 99. Avesbury, p. 102. [z] Heming. p. 359.

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[a] Rymer, vol. v. p. 453, 454, 459, 466, 496. Heming. p. 376. [b] Froissard, liv. 1. chap. 96. p. 100. [c] Ibid. chap. 103. Avesbury, p. 121.

[d] It is reported of this prince, that having once, before the attack of a town, promised the soldiers the plunder, one private man happened to fall upon a great chest full of money, which he immediately brought to the earl, as thinking it too great for himself to keep possession of it. But Derby told him that his promise did not depend on the greatness or smallness of the sum; and ordered him to keep it all for his own use.

[e] Froissard, liv. 1. chap. 104. [f] Ibid. chap. 110. [g] Ibid. chap. 112. [h] Ibid. chap. 120. [i] Ibid. chap. 121. [k] Ibid. chap. 134. [l] Avesbury, p. 123. [m] Froissard, liv. 1. chap. 121. [n] Ibid. chap. 122. [o] Ibid. chap. 124. [p] Ibid. chap. 125. [q] Ibid. [r] Ibid. chap. 126, 127. [s] Ibid. [t] Ibid. chap. 128. [u] Jean Villani, lib. 12. cap. 66. [w] Du Cange Gloss. in verb. Bombarda. [x] Froissard, liv. 1. chap. 130. [y] Ibid. [z] Ibid.

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[a] Froissard, liv. 1. chap. 131. [b] Ibid. Knyghton, p. 2588. [c] Froissard, liv. 1. chap. 130. Walsingham, p. 166. [d] Knyghton, p. 2588. [e] Froissard, liv. 1. chap. 116. [f] Ibid. chap. 133. [g] Ibid. chap. 136.

[h] Froissard, liv. 1. chap. 143. Walsing. p. 168. Ypod. Neust. p. 517, 518. [i] Froissard, liv. 1. chap. 137. [k] Ibid. chap. 138. [l] Ibid. [m] Ibid. chap. 139. [n] Rymer, vol. v. p. 537. [o] Froissard, liv. 1. chap. 144, 145. Avesbury, p. 161, 162. [p] Froissard, liv. 1. chap. 146. [q] Ibid. [r] Ibid.

This story of the six burgesses of Calais, like all other extraordinary stories, is somewhat to be suspected; and so much the more, as Avesbury, p. 167,* who is particular in his narration of the surrender of Calais, says nothing of it; and, on the contrary, extols in general the king's generosity and lenity to the inhabitants. The numberless mistakes of Froissard, proceeding either from negligence, credulity, or love of the marvellous, invalidate very much his testimony, even though he was a contemporary, and though his history was dedicated to queen Philippa herself. It is a mistake to imagine that the patrons of dedications read the books, much less vouch for all the contents of them. It is not a slight testimony that should make us give credit to a story so dishonourable to Edward, especially after that proof of his humanity, in allowing a free passage to all the women, children, and infirm people, at the beginning of the siege; at least, it is scarcely to be believed, that if the story has any foundation, he seriously meant to execute his menaces against the six townsmen of Calais.

[s] Froissard, liv. 1. chap. 140, 141, 142.

[t] There was a singular instance about this time of the prevalence of chivalry and gallantry in the nations of Europe. A solemn duel of thirty knights against thirty was fought between Bembrough, an Englishman, and Beaumanoir, a Breton, of the party of Charles of Blois. The knights of the two nations came into the field; and, before the combat began, Beaumanoir called out, that it would be seen that day 'who had the fairest mistresses.' After a bloody combat, the Bretons prevailed; and gained for their prize full liberty to boast of their mistresses' beauty. It is remarkable, that two such famous generals as sir Robert Knolles and sir Hugh Calverley drew their swords in this ridiculous contest. See Pere Daniel, vol. ii. p. 536, 537, &c. The women not only instigated the champions to those rough if not bloody frays of tournament, but also frequented the tournaments during all the reign of Edward, whose spirit of gallantry encouraged this practice. See Knyghton, p. 2597.

* Stowe's Survey, p. 478. There were buried fifty thousand bodies in one church-yard, which sir Walter Manny had bought for the use of the poor. The same author says, that there died above fifty thousand persons of the plague in Norwich, which is quite incredible.

[u] Froissard, liv. 1. chap. 144. [w] Ibid. chap. 146. Avesbury, p. 243. [x] Froissard, liv. 1. chap. 144, 146.

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[a] Froissard, liv. 1. chap. 144. Avesbury, p. 206. Walsingham, p. 171. [b] Walsing. p. 171. [c] Rymer, vol. v. p. 823. Ypod. Neust. p. 521. [d] Walsing. p. 171. [e] Froissard, liv. 1. chap. 158. Walsing. p. 171. [f] Froissard, liv. 1. chap. 161. [g] Ibid. chap. 162. [h] Rymer, vol. vi. p. 72, 154. Froissard, liv. 1. chap. 164. [i] Froissard, liv. 1. chap. 164. [k] Poul. Cemil. p. 197. [l] Froissard, liv. 1. chap. 168. [m] Rymer, vol. vi. p. 3. [n] Froissard, liv. 1. chap. 173. [o] Rymer, vol. vi. p. 45, 46, 52, 56. Froissard, liv. 1. chap. 174. Walsingham, p. 173. [p] Froissard, liv. 1. chap. 182, 183, 184. [q] Ibid. chap. 181. [r] Ibid. chap. 187. [s] Ibid. chap. 201. [t] Ibid. chap. 205. [u] Ibid. chap. 208. Walsing. p. 174. [w] Rymer, vol. vi. p. 161. Walsing. p. 174. [x] Walsing. p. 175. [y] Froissard, liv. 1. chap. 211. [z] Ibid.

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[a] Rymer, vol. vi. p. 178. Froissard, liv. 1. chap. 212.

[b] This is a prodigious sum, and probably near the half of what the king received from the parliament during the whole course of his reign. It must be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at about twenty-nine thousand pounds: there were said to be near thirty thousand sacks of wool exported every year: a sack of wool was, at a medium, sold for five pounds. Upon these suppositions it would be easy to compute all the parliamentary grants, taking the list as they stand in Tyrrel, vol. iii. p. 780: though somewhat must still be left to conjecture. The king levied more money on his subjects than any of his predecessors; and the parliament frequently complain of the poverty of the people, and the oppressions under which they laboured. But it is to be remarked, that a third of the French king's ransom was yet unpaid when war broke out anew between the two crowns: his son chose

rather to employ his money in combating the English, than in enriching them. See Rymer, vol. viii. p. 315.

[c] The hostages were the two sons of the French king, John and Lewis; his brother Philip duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol, de Harcourt, de Vendome, de Couci, de Craon, de Montmorency, and many of the chief nobility of France. The princes were mostly released on the fulfilling of certain articles: others of the hostages, and the duke of Berry among the rest, were permitted to return upon their parole, which they did not keep. Rymer, vol. vi. p. 278, 285, 287.

[d] Froissard, liv. 1. chap. 213. [e] Ibid. chap. 214. [f] Rymer, vol. vi. p. 421.

[g] Froissard, liv. 1. chap. 119, 120. [h] Ibid. chap. 227, 228, &c. Walsing. p. 180. [i] Froissard, liv. 1. chap. 214. [k] Ibid. chap. 214, 215.

[l] Hist. du Guesclin. [m] Froissard, liv. 1. chap. 230. [n] Rymer, vol. vi. p. 384. Froissard, liv. 1. chap. 231. [o] Froissard, liv. 1. chap. 241. [p] Ibid. chap. 242, 243. Walsingham, p. 182.

[q] This tax was a livre upon a hearth; and it was imagined that the imposition would have yielded one million two hundred thousand livres a year, which supposes so many hearths in the provinces possessed by the English. But such loose conjectures have commonly no manner of authority, much less in such ignorant times. There is a strong instance of it in the present reign. The house of commons granted the king a tax of twenty-two shillings on each parish, supposing that the amount of the whole would be fifty thousand pounds. But they were found to be in a mistake of near five to one. Cotton, p. 3. And the council assumed the power of augmenting the tax upon each parish.

[r] Froissard, liv. 1. chap. 244. [s] Rymer, vol. vi. p. 219, 230, 234, 237, 243. [t] Rot. Franc. 35 Ed. III, m. 3, from Tyrrel, vol. iii. p. 643. [u] Froissard, liv. 1. chap. 245.

[w] Ibid. chap. 247, 248. [x] Walsingham, p. 183. [y] Froissard, liv. 1. chap. 277. Walsing. p. 185. [z] Froissard, liv. 1. chap. 310.

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[a] Rymer, vol. vi. p. 621. Cotton's Abridg. p. 108. [b] Froissard, liv. 1. chap. 302, 303, 304. Walsingham, p. 186. [c] Froissard, liv. 1. chap. 311. Walsing. p. 187. [d] Froissard, liv. 1. chap. 291. Walsingham, p. 185. [e] Froissard, liv. 1. chap. 321. Walsingham, p. 187. [f] Walsing. p. 189. Ypod. Neust. p. 530. [g] Walsingham, p. 189. [h] Rymer, vol. vi. p. 564. [i] Dr. Robertson's Hist. of Scotland, b. 1. [k] Cotton's Abridg. p. 108, 120. [l] Ibid. p. 122. [m] Ibid. p. 18.

[n] Chap. 2. [o] 4 Edw. III, chap. 14.

[p] 36 Edward III, cap. 1. 37 Edward III, cap. 1, &c. [q] 28 Edward III, cap. 3.

[r] They assert, in the fifteenth of this reign, that there had been such instances. Cotton's Abridg. p. 31. They repeat the same in the twenty-first year. See p. 59.

[s] 36 Edward III, &c. [t] 14 Edward III, cap. 19. 36 Edw. III, cap. 2. [u] 7 Rich. II, cap. 8. [w] Ashmole's Hist. of the Garter, p. 129. [x] Cotton's Abridg. p. 148. [y] Cotton, p. 71. [z] Ibid. p. 56, 61, 122.

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[a] Rymer, vol. v. p. 491, 574. Cotton's Abridg. p. 56. [b] Cotton, p. 114. [c] Ibid. p. 67. [d] Cotton's Abridg. p. 47, 79, 113. [e] Ibid. p. 32. [f] Ibid. p. 74. [g] Ibid. [h] Walsing. p. 189, 190. [i] Tyrrel's Hist. vol. viii. p. 554, from the records. [k] Rymer, vol. iv. p. 363. [l] P. 17, 18. [m] Rymer, vol. iv. p. 39. [n] P. 47. [o] P. 52, 53, 57, 58. [p] P. 69. [q] P. 76. [r] P. 101. [s] P. 138. [t] P. 152. [u] Cotton, p. 53. He repeats the same answer in p. 60. [w] 'Some of the commons' were such as he should be pleased to consult with. [x] Cotton, p. 57. [y] Ibid. p. 138. [z] Ibid. p. 132. [a] Observations on the Statutes, p. 193.

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[b] Rymer, vol. iv. p. 434. Cotton's Abridg. p. 110. [c] 25 Edw. III. 27 Edw. III. [d] 27 Edw. III. 38 Edw. III. [e] Cotton, p. 74, 128, 129. [f] Ibid. p. 112. [g] Ibid. p. 41. [h] Ibid. p. 119, 128, 129, 130, 148. [i] 11 Edw. III, cap. 14. 4 Edw. III, cap. 2. 15 Edw. III, cap. 4. [k] Cotton, p. 10. [l] Ibid. p. 51, 62, 64, 70, 160. [m] Walsing. p. 170. [n] 10 Edw. III, cap. 2. 27 Ed. III. cap. 2. [o] Cotton, p. 75. [p] Ibid. p. 54. [q] Ibid. p. 48, 69. [r] 34 Edw. III, cap. 5. [s] Cotton, p. 29. [t] 11 Edw. III, cap. 5. Rymer, vol. iv. p. 723. [u] Murimuth, p. 88. [w] 11 Ed. III, cap. 2. [x] 28 Ed. III, cap. 5. [y] Rymer, vol. v. p. 520. [z] Cotton, p. 155, 164. [a] Cap. 3. [b] Rymer, vol. iv. p. 664.

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[c] 37 Edw. III, cap. 3. [d] 25 Edw. III, cap. 1, 3.

[a] Dugdale's Baronage, vol. i. p. 784. Brady's Hist. vol. ii. App. N° 92. The pay of a man at arms was quadruple. We may therefore conclude that the numerous armies, mentioned by historians in those times, consisted chiefly of ragamuffins, who followed the camp, and lived by plunder. Edward's army before Calais consisted of thirty-one thousand and ninety-four men; yet its pay for sixteen months was only one hundred and twenty-seven thousand two hundred and one pounds. Brady, ibid.

[b] Commodities seem to have risen since the conquest. Instead of being ten times cheaper than at present, they were, in the age of Edward III, only three or four times. This change seems to have taken place in a great measure since Edward I. The allowance granted by Edward III to the earl of Murray, then a prisoner in Nottingham castle, is one pound a week; whereas the bishop of St. Andrews, the primate of Scotland, had only six pence a day allowed him by Edward I.

[c] 27 Edward III. [d] Cotton, p. 117. [e] 27 Edw. III, cap. 7. [f] Anderson, vol. i. p. 151. [g] Id. p. 177. [h] 37 Edw. III, cap. 8, 9, 10, &c. [i] 10 Edw. III. [k] 36 Edward III, cap. 15. [l] Rymer, vol. vii. p. 526. This paper, by the style, seems to have been drawn by the Scots, and was signed by the wardens of the marches only. [m] Rymer, vol. vi. p. 554. [n] Cotton, p. 97. [o] See Observations on the more ancient Statutes, p. 375, 2d edit. [p] Walsingham, p. 150. [q] Rymer, vol. vii. p. 161.

[r] In the fifth year of the king 'the commons complained of the government about the king's person, his court, the excessive number of his servants, of the abuses in the chancery, king's bench, common pleas, exchequer, and of grievous oppressions in the country, by the great multitudes of maintainers of quarrels (men linked in confederacies together), who behaved themselves like kings in the country, so as there was very little law or right, and of the other things which they said were the cause of the late commotions under Wat Tyler.' Parl. Hist. vol. i. p. 365. This irregular government, which no king and no house of commons had been able to remedy, was the source of the licentiousness of the great, and turbulency of the people, as well as tyranny of the princes. If subjects would enjoy liberty, and kings security, the laws must be executed.

In the ninth of this reign the commons also discovered an accuracy and a jealousy of liberty which we should little expect in those rude times. 'It was agreed by parliament,' says Cotton, p. 309, 'that the subsidy of wools, wool fells, and skins, granted to the king until the time of Midsummer then ensuing, should cease from the same time unto the feast of St. Peter ad vincula; for that thereby the king should be interrupted for claiming such grant as due.' See also Cotton, p. 198.

[s] Rymer, vol. vii. p. 190. [t] Walsing. p. 209. [u] Froissard, liv. 2. chap. 50, 51. Walsing. p. 239. [x] Liv. 2. chap. 74.

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[a] Froissard, liv. 2. chap. 74. Walsingham, p. 275.

[b] There were two verses at that time in the mouths of all the common people, which, in spite of prejudice, one cannot but regard with some degree of approbation:

When Adam delv'd and Eve span,
Where was then the gentleman?

[c] Froissard, liv. 2. chap. 74. [d] Ibid. chap. 75. [e] Ibid. chap. 76. Walsingham, p. 248, 249. Froissard, liv. 2. chap. 77. [f] Walsingham, p. 250, 251. [g] Froissard, liv. 2. chap. 77. Walsing. p. 252. Knyghton, p. 2637. [h] Walsing. p. 276. [i] 5 Rich. II, cap. ult. as quoted in the Observations on ancient Statutes, p. 262. [k] Walsing. p. 265. [l] Froissard, liv. 2. chap. 149, 150, &c. liv. 3. chap. 52. Walsing. p. 316, 317. [m] Froissard, liv. 3. chap. 41, 53. Walsingham, p. 322, 323. [n] Cotton, p. 310, 311. Cox's Hist. of Ireland, p. 129. Walsingham, p. 324. [o] Walsing. p. 328.

[p] Knyghton, p. 2715, &c. The same author, p. 2680, tells us, that the king, in return to the message, said, that he would not, for their desire, remove the meanest scullion from his kitchen. This author also tells us, that the king said to the commissioners, when they harangued him, that he saw his subjects were rebellious, and his best way would be to call in the king of France to his aid. But it is plain that all these speeches were either intended by Knyghton merely as an ornament to his history, or are false. For (1) when the five lords accuse the king's ministers in the next parliament, and impute to them every rash action of the king, they speak nothing of these replies which are so obnoxious, were so recent, and are pretended to have been so public. (2) The king, so far from having any connexions at that time with France,

was threatened with a dangerous invasion from that kingdom. This story seems to have been taken from the reproaches afterwards thrown out against him, and to have been transferred by the historians to this time, to which they cannot be applied.

[r] Cotton, p. 315. Knyghton, p. 2683.

[s] It is probable that the earl of Suffolk was not rich, nor able to support the dignity without the bounty of the crown: for his father, Michael de la Pole, though a great merchant, had been ruined by lending money to the late king. See Cotton, p. 194. We may remark that the dukes of Glocester and York, though vastly rich, received at the same time each of them a thousand pounds a year to support their dignity. Rymer, vol. vii. p. 481. Cotton, p. 310.

[t] Cotton, p. 315. [u] Knyghton, p. 2686. Statutes at large, 10 Rich. II, chap. 1. [x] Cotton, p. 318.

[y] In the preamble to 5 Henry IV, cap. 7, it is implied, that the sheriffs in a manner appointed the members of the house of commons not only in this parliament, but in many others.

[z] Knyghton, p. 2694. Ypod. Neust. p. 541.

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[a] The parliament, in 1341, exacted of Edward III that, on the third day of every session, the king should resume all the great offices; and that the ministers should then answer to any accusation that should be brought against them: which plainly implies that, while ministers, they could not be accused or impeached in parliament. Henry IV told the commons that the usage of parliament required them first to go through the king's business in granting supplies; which order the king intended not to alter. Parl. Hist. vol. ii. p. 65. Upon the whole, it must be allowed, that, according to ancient practice and principles, there are, at least, plausible grounds for all these opinions of the judges. It must be remarked, that this affirmation of Henry IV was given deliberately, after consulting the house of peers, who were much better acquainted with the usage of parliament than the ignorant commons. And it has the greater authority, because Henry IV had made this very principle a considerable article of charge against his predecessor; and that a very few years before. So ill grounded were most of the imputations thrown on the unhappy Richard!

[b] Cotton, p. 322. [c] Knyghton, p. 2715. Tyrrel, vol. iii. part 2, p. 919, from the records. Parl. Hist. vol. i. p. 414.

[d] We must except the twelfth article, which accuses Brembre of having cut off the heads of twenty-two prisoners, confined for felony or debt, without warrant or process of law. But, as it is not conceivable what interest Brembre could have to treat these felons and debtors in such a manner, we may presume that the fact is either false, or misrepresented. It was in these men's power to say any thing against the persons accused: no defence or apology was admitted: all was lawless will and pleasure.

They are also accused of designs to murder the lords: but these accusations either are general, or destroy one another. Sometimes, as in article fifteenth, they intend to murder them by means of the mayor and city of London: sometimes, as in article twenty-eighth, by trial and false inquests: sometimes, as in article twenty-eighth, by means of the king of France, who was to receive Calais for his pains.

[e] At least this is the character given of him by Froissard, liv. 2, who knew him personally: Walsingham, p. 334, gives a very different character of him. but he is a writer somewhat passionate and partial; and the choice made of this gentleman by Edward III and the Black Prince for the education of Richard, makes the character given him by Froissard much more probable.

[f] In general, the parliament in those days never paid a proper regard to Edward's statute of treasons, though one of the most advantageous laws for the subject that has ever been enacted. In the seventeenth of the king [g] the dukes of Lancaster and Glocester complain to Richard that sir Thomas Talbot, with others of his adherents, conspired the death of the said dukes in divers parts of Cheshire, as the same was confessed and well known; and praying that the parliament may judge of the fault. Whereupon the king and the lords in the parliament judged the same fact to be open and high treason: and hereupon they award two writs, the one to the sheriff of York, and the other to the sheriffs of Derby, to take the body of the said sir Thomas, returnable in the king's bench in the month of Easter then ensuing. And open proclamation was made in Westminster-hall, that upon the sheriff's return, and at the next coming in of the said sir Thomas, the said Thomas should be convicted of treason, and incur the loss and pain of the same: and all such as should receive him, after the pro-

clamation, should incur the same loss and pain.' Cotton, p. 354. It is to be observed, that this extraordinary judgment was passed in a time of tranquillity. Though the statute itself of Edward III reserves a power to the parliament to declare any new species of treason, it is not to be supposed that this power was reserved to the house of lords alone, or that men were to be judged by a law ex post facto. At least, if such be the meaning of the clause, it may be affirmed that men were at that time very ignorant of the first principles of law and justice.

[g] Dugdale, vol. ii. p. 170. [h] Knyghton, p. 2677. Walsingham, p. 342. [i] Rymer, vol. vii. p. 659. [k] Ibid. p. 687. [l] Cotton, p. 365. Walsingham, p. 352. [m] 15th August, 1388. [n] Froissard, liv. 3. chap. 124, 125, 126. Walsing. p. 355. [o] Rymer, vol. vii. p. 820. [p] Ibid. p. 811. [q] Ibid. p. 727. Walsing. p. 347. [r] Rymer, vol. vii. p. 152.

[s] Liv. 4. chap. 86.

[t] Cotton, p. 378. Tyrrel, vol. iii. part 2, p. 972, from the records. Parliamentary History, vol. i. p. 473. That this confession was genuine, and obtained without violence, may be entirely depended on. Judge Rickhill, who brought it over from Calais, was tried on that account, and acquitted in the first parliament of Henry IV, when Glocester's party was prevalent. His acquittal, notwithstanding his innocence, may even appear marvellous, considering the times. See Cotton, p. 393.

[u] Froissard, liv. 4. chap. 90. Walsing. p. 354.

[x] Rymer, vol. viii. p. 7.

[y] In the preceding parliament the commons had shewn a disposition very complaisant to the king; yet there happened an incident in their proceedings which is curious, and shews us the state of the house during that period. The members were either country gentlemen or merchants, who were assembled for a few days, and were entirely unacquainted with business; so that it was easy to lead them astray, and draw them into votes and resolutions very different from their intention. Some petitions concerning the state of the nation were voted; in which, among other things, the house recommended frugality to the king; and for that purpose desired that the court *should* not be so much frequented as formerly by bishops and ladies. The king was displeased with this freedom: the commons very humbly craved pardon: he was not satisfied unless they would name the mover of the petitions. It happened to be one Haxey, whom the parliament, in order to make atonement, condemned for this offence to die the death of a traitor. But the king, at the desire of the archbishop of Canterbury and the prelates, pardoned him. When a parliament in those times, not agitated by any faction, and being at entire freedom, could be guilty of such monstrous extravagance, it is easy to judge what might be expected from them in more trying situations. See Cotton's Abridg. p. 361, 362.

[z] The nobles brought numerous retainers with them, to give them security, as we are told by Walsingham, p. 354. The king had only a few Cheshire men for his guard.

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[a] Statutes at large, 21 Richard II. [b] Cotton, p. 368. [c] Ibid. p. 377. Froissard, liv. 4. chap. 90. Walsing. p. 354. [d] Tyrrel, vol. iii. part 2, p. 968, from the records. [e] Cotton, p. 399, 400. Dugdale, vol. ii. p. 171. [f] Cotton, p. 370, 371. [g] Ibid. p. 371. [h] Walsing. p. 355. [i] Statutes at large, 21 Rich. II.

[k] Cotton, p. 372.

[l] The names of the commissioners were, the dukes of Lancaster, York, Albemarle, Surrey, and Exeter; the marquis of Dorset; the earls of March, Salisbury, Northumberland, Glocester, Winchester, and Wiltshire; John Bussey, Henry Green, John Russel, Robert Teyne, Henry Chelmeswicke, and John Golofre. It is to be remarked, that the duke of Lancaster always concurred with the rest in all their proceedings, even in the banishment of his son, which was afterwards so much complained of.

[m] Cotton, p. 372. Walsing. p. 355. [n] Cotton, p. 372. Parliamentary Hist. vol. i. p. 490.

[o] In the first year of *Henry* VI, when the authority of parliament was great, and when that assembly could least be suspected of lying under violence, a like concession was made to the privy council, from like motives of convenience. See Cotton, p. 564.

[p] Cotton, p. 380. Walsing. p. 356. [q] Tyrrel, vol. iii. part 2, p. 991, from the records.

[r] Walsingham, p. 345.

[s] He levied fines upon those who had ten years before joined the duke of Glocester and his party: they were obliged to pay him money, before he would allow them to enjoy the benefit of the indemnity; and in the articles of charge against him, it is asserted that the payment of one fine did not suffice. It is indeed likely that his ministers would abuse the power put into their hands; and this grievance extended to very

many people. Historians agree in representing this practice as a great oppression. See Otterbourne, p. 199.

[a] Walsingham. [b] Knyghton, p. 2744. Otterbourne, p. 212. [x] Tyrrel, vol. iii. part 2, p. 1008, from the records. Knyghton, p. 2746. Otterbourne, p. 214. [y] Art. 16, 26. [z] Art. 13, 17, 18.

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Art. 22. [b] Art. 27. [c] Art. 14. [d] Art. 16.

We learn from Cotton, p. 362, that the king, by his chancellor, told the commons 'that they were sunderly bound to him, and namely in forbearing to charge them with desmes and fifteens, the which he meant no more to charge them in his own person.' These words 'no more' allude to the practice of his predecessors: he had not himself imposed any arbitrary taxes: even the parliament, in the articles of his deposition, though they complain of heavy taxes, affirm not that they were imposed illegally or by arbitrary will.

'To shew how little credit is to be given to this charge against Richard, we may observe that a law, in the 13 Edward III, had been enacted against the continuance of sheriffs for more than one year: but the inconvenience of changes having afterwards appeared from experience, the commons, in the twentieth of this king, applied by petition that the sheriffs might be continued; though that petition had not been enacted into a statute, by reason of other disagreeable circumstances which attended it. See Cotton, p. 361. It was certainly a very moderate exercise of the dispensing power in the king to continue the sheriffs, after he found that that practice would be acceptable to his subjects, and had been applied for by one house of parliament: yet is this made an article of charge against him by the present parliament. See art. 18. Walsingham, speaking of a period early in Richard's minority, says, 'But what do acts of parliament signify, when after they are made they take no effect; since the king, by the advice of the privy council, takes upon him to alter, or wholly set aside, all those things which by general consent had been ordained in parliament?' If Richard, therefore, exercised the dispensing power, he was warranted by the examples of his uncles and grandfather, and, indeed, of all his predecessors from the time of Henry III inclusive.

[e] Sir John Heywarde, p. 101. [f] Cotton, p. 389. [g] Knyghton, p. 2757. [h] Ibid. p. 2759. Otterbourne, p. 220. [i] Cotton, p. 390. [m] Henry IV, cap. 14. [n] Peruse, in this view, the abridgment of the records, by sir Robert Cotton, during these two reigns.

[o] The following passage in Cotton's Abridgment, p. 196, shews a strange prejudice against the church and churchmen: 'The commons afterwards coming into the parliament, and making their protestation, shewed, that for want of good redress about the king's person, in his household, in all his courts, touching maintainers in every county, and purveyors, the commons were daily pilled, and nothing defended against the enemy, and that it should shortly deprive the king, and undo the state: wherefore in the same government they entirely require redress. Whereupon the king appointed sundry bishops, lords, and nobles, to sit in privy council about these matters: who since that they must begin at the head, and go at the request of the commons, they, in the presence of the king, charged his confessor not to come into the court but upon the four principal festivals.' We should little expect that a popish privy council, in order to preserve the king's morals, should order his confessor to be kept at a distance from him. This incident happened in the minority of Richard. As the popes had for a long time resided at Avignon, and the majority of the sacred college were Frenchmen, this circumstance naturally increased the aversion of the nation to the papal power: but the prejudice against the English clergy cannot be accounted for from that cause.

[p] Walsingham, p. 191, 208, 283, 284. Spelm. Concil. vol. ii. p. 630. Knyghton, p. 2657. [q] Harpsfield, p. 668, 673, 674. Waldens. tom. i. lib. 3. art. 1. cap. 8. [r] Spelm. Conc. vol. ii. p. 621. Walsingham, p. 201, 202, 203. [s] Harpsfield in Hist. Wickl. p. 683. [t] Wood's Ant. Oxon. lib. 1. p. 191, &c. Walsing. p. 201. [u] Cotton's Abridg. p. 285. [x] 5 Rich. II, chap. 5. [y] Walsingham, p. 206. Knyghton, p. 2655, 2656. [z] Walsingham, p. 312. Ypod. Neust. p. 537.

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[a] Knyghton, p. 2663. [b] 13 Rich. II, cap. 3. 16 Rich. II, cap. 4. [c] Rymer, vol. vii. p. 672. [d] Knyghton, p. 27, 38. [e] Cotton, p. 355. [f] Froissard, liv. 2. chap. 133, 134. Walsingham, p. 298, 299, 300, &c. Knyghton, p. 2671. [g] 1 Rich. II, chap. 7. [h] 13 Rich. II, chap. 1. [i] Harding: this poet says that he speaks from the authority of a clerk of the green cloth.

[k] Dugdale, vol. i. p. 151. [l] Walsingham, p. 362. Otterbourne, p. 224. [m] Walsing. p. 363. Ypod. Neust. p. 556. [n] Dugdale, vol. ii. p. 171. [o] 2 Henry IV, chap. 7. [p] Rymer, vol. viii. p. 178. [q] Ibid. p. 123. [r] Ibid. p. 142, 152, 219. [s] Ibid. p. 110, 111. [t] Vita Ric. Sec. p. 171, 172. [u] Walsingham, p. 364. [v] Vita Ric. Sec. p. 172, 173. [x] Dugdale, vol. i. p. 150. [y] Ibid. p. 151. [z] Rymer, vol. viii. p. 125, 126.

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[a] Rymer, vol. viii. p. 125. [b] Ibid. p. 155, 156, &c. [c] Walsingham, p. 366. Vita Ric. Sec. p. 180. Chron. Otterbourne, p. 237. [d] Rymer, vol. viii. p. 89. [e] Hall, fol. 21. 22, &c. [f] T. Livii, p. 3. [g] Walsingham, p. 366, 367. Hall, fol. 22. [h] Chron. Otterbourne, p. 224. Ypod. Neust. p. 560. [i] Chron. Otterbourne, p. 225. [k] Rymer, vol. viii. p. 353. [l] Walsingham, p. 373. Otterbourne, p. 255. [m] Walsingham, p. 374. [n] Ibid. p. 377. Chron. Otterbourne, p. 261. [o] Buchanan, lib. 10. [p] Walsing. p. 380. [q] Rymer, vol. viii. p. 715, 738. [r] Cotton, p. 429. [s] Ibid. p. 364. [t] Ibid. p. 406. [u] Ibid. p. 426. [v] Ibid. p. 438. [x] Ibid. p. 456, 457. [y] Ibid. p. 462. [z] Ibid. p. 454.

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[a] Rymer, vol. viii. p. 462. [b] Walsingham. [c] Ibid. p. 371. Ypod. Neust. p. 563. [d] Walsingham, p. 379. Tit. Livius. [e] Rymer, vol. viii. p. 627. Otterb. p. 267. [f] 4 Hen. IV, cap. 15, and 5 Hen. IV, cap. 9. [g] Rymer, vol. viii. p. 610. [h] Hall, fol. 33. [i] Walsingham, p. 382. [k] Hall, fol. 33. Holingshed, p. 543. Godwin's Life of Henry V, p. 1. [l] Hist. Croyland, contin. Hall, fol. 34. Holingshed, p. 544. [m] Holingshed, p. 545. [n] Walsingham, p. 382. [o] Ibid. [p] Fox's Acts and Monuments, p. 513. [q] Rymer, vol. ix. p. 61. Walsingham, p. 383. [r] Walsingham, p. 385. [s] Cotton, p. 554. Hall, fol. 35. Holingshed, p. 544. [t] Rymer, vol. ix. p. 119, 129, 193. [u] Walsingham, p. 400. Otterbourne, p. 280. Holingshed, p. 561. [v] 2 Hen. V, chap. 7. [x] Hall, fol. 35. [y] Hall, fol. 35, 36. [z] La Laboureur, liv. 27. chap. 23, 24.

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[a] La Laboureur, liv. 27. chap. 27. Monstrelet, chap. 39. [b] Rymer, vol. ix. p. 208.

[c] Rymer, vol. ix. p. 211. It is reported by some historians (see Hist. Croy. cont. p. 500) that the dauphin, in derision of Henry's claims and dissolute character, sent him a box of tennis balls, intimating that these implements of play were better adapted to him than the instruments of war. But this story is by no means credible; the great offers made by the court of France shew that they had already entertained a just idea of Henry's character, as well as of their own situation.

[d] Rymer, vol. ix. p. 300. T. Livii, p. 8. [e] Rymer, vol. ix. p. 303. [f] St. Remi, chap. 55. Goodwin, p. 65. [g] Rymer, vol. ix. p. 137, 138. [h] De Laboureur, liv. 35. chap. 6. [i] T. Livii, p. 12. [k] St. Remi, chap. 58. [l] T. Livii, p. 13. [m] St. Remi, chap. 62. [n] Walsing. p. 392. T. Livii, p. 19. Le Laboureur, liv. 35. chap. 7. Monstrelet, chap. 147. [o] Walsingham, p. 393. Ypod. Neust. p. 584. [p] La Laboureur, liv. 35. chap. 10. [q] St. Remi, chap. 74. Monstrelet, chap. 167. [r] St. Remi, chap. 79. [s] Ibid. chap. 81. Monstrelet, chap. 178, 179. [t] St. Remi, chap. 85, 86. Monstrelet, chap. 118. [u] Walsingham, p. 400. [x] St. Remi, chap. 91. [y] Juvenal des Ursins. [z] Rymer, vol. ix. p. 717, 749.

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[a] Rymer, vol. ix. p. 626, &c. [b] Ibid. p. 762. [c] Ibid. p. 776. St. Remi, chap. 95. [d] St. Remi, chap. 97. Monstrelet, chap. 211. [e] T. Livii, p. 69. Monstrelet, chap. 201. [f] Rymer, vol. ix. p. 895. St. Remi, chap. 101. Monstrelet, chap. 223. [g] Holingshed, p. 577. [h] Monstrelet, chap. 242.

[i] His name was John, and he was afterwards created duke of Somerset. He was grandson of John of Gaunt, duke of Lancaster. The earl of Dorset was brother to Somerset, and succeeded him in that title.

[k] St. Remi, chap. 110. Monstrelet, chap. 239. Hall, fol. 76. [l] St. Remi, chap. 3. [m] Rymer, vol. x. p. 212. T. Livii, p. 92, 93. St. Remi, chap. 116. Monstrelet, chap. 260. [n] Monstrelet, chap. 265. Hall, fol. 80. [o] St. Remi, chap. 118. Monstrelet, chap. 265. [p] T. Livii, p. 4. [q] Rymer, vol. ix. p. 254, 255. [r] Ibid. vol. x. p. 113. [s] Ibid. p. 190. [t] Parliamentary History, vol. ii. p. 168.

[u] It appears from many passages of Rymer, particularly vol. ix. p. 258, that the king paid twenty marks a year for an archer, which is a good deal above six pence a day. The price

had risen, as is natural, by raising the denomination of money.

[v] Rymer, vol. x. p. 114. [w] Liv. 4. chap. 86. [x] Rymer, vol. x. p. 113. [y] Fleetwood's Chronicon Preciosum, p. 52.

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[a] Rymer, vol. x. p. 261. Cotton, p. 564. [b] Cotton, p. 564. [c] Hall, fol. 83. Monstrelet, vol. ii. p. 27. [d] Hall, fol. 84. Monstrelet, vol. i. p. 4. Stowe, p. 364. [e] Hall, fol. 86. Stowe, p. 364. Grafton, p. 501. [f] Rymer, vol. x. p. 299, 300, 326. [g] Hall, fol. 85. Monstrelet, vol. ii. p. 8. Holingshed, p. 586. Grafton, p. 500. [h] Monstrelet, vol. ii. p. 14. Grafton, p. 504. [i] Hall, fol. 88, 89, 90. Monstrelet, vol. ii. p. 15. Stowe, p. 365. Holingshed, p. 588. [k] Monstrelet, vol. ii. p. 15. [l] Ibid. p. 19, 20, 21. [m] Ibid. p. 18. [n] Stowe, p. 368. Holingshed, p. 590. [o] Hall, fol. 98, 99. Holingshed, p. 593, 594. Polydore Virgil, p. 466. Grafton, p. 512, 519. [p] Stowe, p. 367. [q] Monstrelet, vol. ii. p. 32, 33. Holingshed, p. 597. [r] Monstrelet, vol. ii. p. 35, 36. [s] Ibid. p. 38, 39. Polyd. Virg. p. 468. [t] Hall, fol. 105. Monstrelet, vol. ii. p. 39. Stowe, p. 369. Holingshed, p. 599. Grafton, p. 531. [u] Hall, fol. 106. Monstrelet, vol. ii. p. 41, 42. Stowe, p. 369. Holingshed, p. 600. Polyd. Virg. p. 469. Grafton, p. 532. [w] Hall, fol. 106. Monstrelet, vol. ii. p. 42. Stowe, p. 369. Grafton, p. 533. [x] Hall, fol. 107. Monstrelet, vol. ii. p. 42. Grafton, p. 534. [y] Hall, fol. 107. Holingshed, p. 600. [z] Monstrelet, vol. ii. p. 45.

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[a] Monstrelet, vol. ii. p. 46. [b] Ibid. p. 48. [c] Rymer, vol. x. p. 459, 472. [d] Ibid. p. 421. [e] Ibid. p. 432. [f] Stowe, p. 371. [g] Monstrelet, vol. ii. p. 100. [h] Ibid. p. 87. [i] Stowe, p. 373. Grafton, p. 554. [k] Monstrelet, vol. ii. p. 90. Grafton, p. 561. [l] Rymer, vol. x. p. 611, 612. [m] Monstrelet, vol. ii. p. 112. Grafton, p. 565. [n] Monstrelet, vol. ii. p. 120. Holingshed, p. 612. [o] Monstrelet, vol. ii. p. 105. Holingshed, p. 610. [p] Monstrelet, vol. ii. p. 127. Grafton, p. 568. [q] Monstrelet, vol. ii. p. 126, 130, 132. Holingshed, p. 613. Grafton, p. 571. [r] Monstrelet, vol. ii. p. 136. Holingshed, p. 614. [s] Grafton, p. 562.

[t] Fortescue, who soon after this period visited France in the train of prince Henry, speaks of that kingdom as a desert in comparison of England. See his treatise de laudibus Angliæ. Though we make allowance for the partialities of Fortescue, there must have been some foundation for his account; and these destructive wars are the most likely reason to be assigned for the difference remarked by this author.

[u] Grafton, p. 573.

[x] Rymer, vol x. p. 764, 776, 782, 795, 796. This sum was equal to thirty-six thousand pounds sterling of our present money. A subsidy of a tenth and fifteenth was fixed by Edward III at twenty-nine thousand pounds, which, in the reign of Henry VI, made only fifty-eight thousand pounds of our present money. The parliament granted only one subsidy during the course of seven years, from 1437 to 1444.

[y] Grafton, p. 578. [z] Rymer, vol. xi. p. 101, 108, 206, 214.

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[a] Rymer, vol. xi. p. 53. [b] Grafton, p. 590. [c] Cotton, p. 630. [d] Holingshed, p. 626. [e] Stowe, p. 381. Holingshed, p. 622. Grafton, p. 587. [f] Grafton, p. 597. [g] Fabian Chron. anno 1447. [h] Grafton, p. 597. [i] Monstrelet, vol. iii. p. 6. [k] Ibid. p. 7. Holingshed, p. 629. [l] Monstrelet, vol. iii. p. 21. Grafton, p. 643. [m] Holingshed, p. 631. [n] Grafton, p. 646. [o] Stowe, p. 387. [p] Cotton, p. 609. [q] Ibid. p. 641. [r] Ibid. p. 642. Hall, fol. 157. Holingshed, p. 631. Grafton, p. 607. [s] Cotton, p. 643. [t] Ibid. [u] Hall, fol. 158. Hist. Croyland, contin. p. 525. Stowe, p. 388. Grafton, p. 610.

[x] Stowe, p. 364. Cotton, p. 564. This author admires that such a piece of injustice should have been committed in peaceable times: he might have added, and by such virtuous princes as Bedford and Glocester. But it is to be presumed that Mortimer was guilty; though his condemnation was highly irregular and illegal. The people had at this time a very feeble sense of law and a constitution; and power was very imperfectly restrained by these limits. When the proceedings of a parliament were so irregular, it is easy to imagine that those of a king would be more so.

[y] Hall, fol. 159. Holingshed, p. 634. [z] Stowe, p. 388, 389. Holingshed, p. 633.

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[a] Grafton, p. 612. [b] Hall, fol. 160. [c] Hist. Croyland, contin. p. 526. [d] Rymer, vol. xi. p. 275. [e] Cotton, p. 661. Stowe, p. 391. [f] Stowe, p. 394. [g] Parliamentary History,

vol. ii. p. 263. [b] Stowe, p. 394. [c] Grafton, p. 620. [d] Holingshed, p. 640. [e] Polyd. Virg. p. 501. Grafton, p. 623. [f] Rymer, vol. xi. p. 344. [g] Ibid. vol. x. p. 361. Holingshed, p. 642. Grafton, p. 626. [h] Stowe, p. 309. Holingshed, p. 643.

[i] Fabian Chron. anno 1458. The author says that some lords brought nine hundred retainers, some six hundred, none less than four hundred. See also Grafton, p. 633.

[k] Holingshed, p. 649. Grafton, p. 936.

[l] Holingshed, p. 650. Grafton, p. 537.

[m] Stowe, p. 409. [n] Hall, fol. 169. Grafton, p. 195. [o] Holingshed, p. 655. [p] Cotton, p. 665. Grafton, p. 643. [q] Holingshed, p. 657. Grafton, p. 645. [r] Cotton, p. 666.

[s] Ibid. Grafton, p. 647.

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[a] Stowe, p. 412. [b] Polyd. Virg. p. 510.

[c] Holingshed, p. 660. Grafton, p. 650.

[d] Holingshed, p. 660. [e] Grafton, p. 652.

[f] Stowe, p. 415. Holingshed, p. 661. [g] Grafton, p. 653. [h] Statutes at large, 7 Henry IV, cap. 15. [i] Ibid. 8 Henry VI, cap. 7. 10 Henry VI, cap. 2. [k] Cotton, p. 664.

[l] Statutes at large, 39 Henry VI, cap. 1.

[m] Cotton, p. 585. [n] Burnet's Collection of Records, vol. i. p. 99. [o] Cotton, p. 593.

[p] Statutes at large, 15 Henry VI, cap. 2. 23 Henry VI, cap. 6. [q] Cotton, p. 625.

[r] Ibid. p. 626. [s] Ibid. p. 593, 634, 638.

[t] Habington in Kennet, p. 431. Grafton, p. 791. [u] W. Wyrcester, p. 489. Hall, fol. 186. Holingshed, p. 664. [w] Habington, p. 432. [x] Holingshed, p. 664. [y] Hist. Croyl. contin. p. 532. [z] Hall, fol. 186.

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[a] Habington, p. 432. [b] Holingshed, p. 665. Grafton, p. 656. Hist. Croyl. contin. p. 533.

[c] Hall, fol. 187. Habington, p. 433. [d] Hall, fol. 137. Habington, p. 434. [e] Cotton, p. 670. [f] Ibid. p. 672. Statutes at large, 1 Edw. IV, cap. 1. [g] Cotton, p. 670. W. Wyrcester, p. 490. [h] W. de Wyrcester, p. 492. Hall, fol. 189. Grafton, p. 658. Fabian, fol. 215. Fragm. ad finem T. Sproti.

[i] That we may judge how arbitrary a court that of the constable of England was, we may peruse the patent granted to the earl of Rivers in this reign, as it is to be found in Spelman's Glossary in verb. Constabularius; as also more fully in Rymer, vol. xi. p. 581. Here is a clause of it: 'Et ulterius de uberiori gratia nostra eidem comiti de Rivers plenam potestatem damus ad cognoscendum et procedendum, in omnibus et singulis causis et negotiis, de et super crimine lesæ majestatis seu super occasione cæterisque causis, quibuscunque per præfatum comitem de Rivers, ut constabularium Angliæ—quæ in curia constabularii Angliæ ab antiquo, viz. tempore dicti domini Gulielmi conquestoris, seu aliquo tempore citra tractari, audiri, examinari, aut decidi consueverant, aut jure debuerant, aut debent, causasque et negotia prædicta cum omnibus et singulis emergentibus, incidentibus et connexis, audiendum, examinandum, et fine debito terminandum, etiam summarie et de plano, sine strepitu et figura justitiæ, sola facti veritate inspecta, ac etiam manu regia, si opportunum visum fuerit eidem comiti de Rivers, vices nostras, appellatione remota.' The office of constable was perpetual in the monarchy; its jurisdiction was not limited to times of war, as appears from this patent, and as we learn from Spelman: yet its authority was in direct contradiction to Magna Charta; and it is evident that no regular liberty could subsist with it. It involved a full dictatorial power, continually subsisting in the state. The only check on the crown, besides the want of force to support all its prerogatives, was, that the office of constable was commonly either hereditary or during life; and the person invested with it was, for that reason, not so proper an instrument of arbitrary power in the king. Accordingly the office was suppressed by Henry VIII, the most arbitrary of all the English princes. The practice, however, of exercising martial law still subsisted; and was not abolished till the Petition of Right under Charles I. This was the epoch of true liberty, confirmed by the Restoration, and enlarged and secured by the Revolution.

[k] Monstrelet, vol. iii. p. 95. [l] Ibid. p. 96.

[m] Hall, fol. 191. Fragm. ad finem Sprotti.

[n] Polyd. Virg. p. 513. Biondi. [o] Hall, fol. 193. Fabian, fol. 216. [p] Hall, fol. 193. Habington, p. 437. Holingshed, p. 667. Grafton, p. 665. Polyd. Virg. p. 513. [q] W. Wyrcester, p. 506. [r] Rymer, vol. xi. p. 581.

[s] W. Wyrcester, p. 505. [t] Ibid. p. 506.

[u] Liv. iii. chap. 4. [w] Polyd. Virg. p. 514.

[x] Hist. Croyl. cont. p. 539. [y] W. Wyrcester, p. 508. [z] Grafton, p. 673.

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[a] W. Wyrcester, p. 511. Hall, fol. 200. Habington, p. 439. Holingshed, p. 671. Polyd.

Virg. p. 515. [b] Comines, liv. 3. chap. 4, 6. [c] Hall, fol. 169, 197. [d] W. Wyrcester, p. 5. Parl. Hist. vol. ii. p. 332. [e] Fabian, fol. 217.

[f] We shall give an instance: almost all the historians, even Comines, and the continuator of the annals of Croyland, assert that Edward was about this time taken prisoner by Clarence and Warwick, and was committed to the custody of the archbishop of York, brother to the earl; but being allowed to take the diversion of hunting by this prelate, he made his escape, and afterwards chased the rebels out of the kingdom. But that all the story is false appears from Rymer, where we find that the king, throughout all this period, continually exercised his authority, and never was interrupted in his government. On the seventh of March 1470 he gives a commission of array to Clarence, whom he then imagined a good subject; and on the twenty-third of the same month we find him issuing an order for apprehending him. Besides, in the king's manifesto against the duke and earl (claus. 10 Edward IV, m. 7, 8), where he enumerates all their treasons, he mentions no such fact: he does not so much as accuse them of exciting young Welles's rebellion: he only says that they exhorted him to continue in his rebellion. We may judge how smaller facts will be misrepresented by historians, who can in the most material transactions mistake so grossly. There may even some doubt arise with regard to the proposal of marriage made to Bona of Savoy; though almost all the historians concur in it, and the fact be very likely in itself: for there are no traces in Rymer of any such embassy of Warwick's to France. The chief certainty in this and the preceding reign arises either from public records, or from the notice taken of certain passages by the French historians. On the contrary, for some centuries after the conquest the French history is not complete without the assistance of English authors. We may conjecture that the reason of the scarcity of historians during this period was the destruction of the convents, which ensued so soon after: copies of the more recent historians not being yet sufficiently dispersed, these histories have perished.

[g] Rymer, vol. xi. p. 647, 649, 650. [h] Cotton, p. 702. [i] Fragm. Ed. IV, ad fin. Sprotti. [k] Hall, fol. 204. Fabian, fol. 218. Habington, p. 442. Holingshed, p. 674. [l] Rymer, vol. xi. p. 652.

[m] The king offered by proclamation a reward of one thousand pounds, or one hundred pounds a year in land, to any that would seize them. Whence we may learn that land was at that time sold for about ten years purchase. See Rymer, vol. xi. p. 654.

[n] Comines, liv. 3. chap. 4. Hall, fol. 205. [o] Polyd. Virg. p. 519. [p] Comines, liv. 3. chap. 5. Hall, fol. 207. Holingshed, p. 675. [q] Comines, liv. 3. chap. 4. Hall, fol. 207. [r] Grafton, p. 687. [s] Comines, liv. 3. chap. 5. Hall, fol. 208. [t] Comines, liv. 3. chap. 5. [u] Hall, fol. 205. [w] Comines, liv. 3. chap. 5. Hall, fol. 208. [x] Comines, liv. 3. chap. 5. [y] Hall, fol. 210. Stowe, p. 422. [z] Comines, liv. 3. chap. 7.

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[a] Hall, fol. 210. Stowe, p. 423. Holingshed, p. 677. Grafton, p. 690. [b] Liv. 3. chap. 4. [c] Grafton, p. 692. Polydore Virg. p. 522. [d] Hall, fol. 205. [e] Comines, liv. 3. chap. 6. [f] Ibid. [g] Ibid. chap. 7. [h] Grafton, p. 702. [i] Comines, liv. 3. chap. 7. [k] Grafton, p. 700. Comines, liv. 3. chap. 7. Leland's Collect. vol. ii. p. 505. [l] Habington, p. 449. [m] Comines, liv. 3. chap. 7. [n] Hall, fol. 218. [o] Leland's Collect. vol. ii. p. 505. [p] Hall, fol. 219. Habington, p. 451. Grafton, p. 706. Polyd. Virg. p. 528. [q] Hall, fol. 221. Habington, p. 453. Holingshed, p. 688. Polyd. Virg. p. 530. [r] Comines. Hall, fol. 223. Grafton, p. 703. [s] Habington, p. 454. Polydore Virgil, p. 531. [t] Holingshed, p. 689, 690, 693. Hist. Croyl. contin. p. 554. [u] Comines, liv. 3. chap. 7. [w] Rymer, vol. xi. p. 806, 807, 808, &c. [x] Cotton, p. 696, 700. Hist. Croyl. cont. p. 558. [y] Hall, fol. 226. Habington, p. 461. Grafton, p. 719. Fabian, fol. 221.

[z] Comines, liv. 4. chap. 5. This author says (chap. 11) that the king artfully brought over some of the richest of his subjects, who he knew would be soon tired of the war, and would promote all proposals of peace, which he foresaw would be soon necessary.

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[a] Comines, liv. 4. chap. 5. [b] Ibid. Hall, fol. 227. [c] Comines, liv. 4. chap. 7. [d] Rymer, vol. xii. p. 17. [e] Comines, liv. 4. chap. 9. [f] Hall, fol. 235. [g] Comines, liv. 4. chap. 9. Hall, fol. 233. [h] Comines, liv. 4. chap. 10. Habington, p. 469. [i] Comines, liv. 3. chap. 10. [k] Ibid. liv. 5. chap. 8. [l] Polyd. Virg. Hall, fol. 240. Holingshed, p. 703. Habington, p. 474. Grafton, p. 742.

[m] Hall, fol. 240. [n] Ibid. 241. Hist. Croyl. cont. p. 559. [o] Habington, p. 475. Holingshed, p. 703. Sir Thomas More in Kennet, p. 498. [p] Hist. Croyl. cont. p. 561. [q] Ibid. p. 562. [r] Stowe, p. 430. [s] Hist. Croyl. cont. p. 562. [t] Stowe, p. 430. Hist. Croyl. cont. p. 562. [u] Hall, fol. 239. Holingshed, p. 703. Grafton, p. 741. Polyd. Virg. p. 537. Sir Tho. More in Kennet, p. 497. [x] Rymer, vol. xi. p. 110. [y] Sir Thomas More, p. 481.

[z] This nobleman first introduced the noble art of printing into England. Caxton was recommended by him to the patronage of Edward IV. See the Catalogue of Royal and Noble Authors.

[a] Hist. Croyl. cont. p. 564, 565.

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[b] Sir T. More, p. 483. [c] Hist. Croyl. cont. p. 564, 565. [d] Sir T. More, p. 484. [e] Hist. Croyl. cont. p. 565. [f] Sir T. More, p. 491. [g] Hist. Croyl. cont. p. 566. [h] Sir T. More, p. 493.

[i] Sir Thomas More, who has been followed, or rather transcribed, by all the historians of this short reign, says that Jane Shore had fallen into connexions with lord Hastings; and this account agrees best with the course of the events: but in a proclamation of Richard's, to be found in Rymer, vol. xii. p. 204, the marquis of Dorset is reproached with these connexions. This reproach, however, might have been invented by Richard, or founded only on popular rumour, and is not sufficient to overbalance the authority of sir Thomas More. The proclamation is remarkable for the hypocritical purity of manners affected by Richard: this bloody and treacherous tyrant upbraids the marquis and others with their gallantries and intrigues as the most terrible enormities.

[k] Hist. Croyl. cont. p. 566. [l] Sir T. More, p. 496. [m] Hist. Croyl. cont. p. 567. Comines. Sir Thomas More, p. 482. [n] Sir T. More, p. 496. [o] Ibid. p. 501. [p] Kennet, p. 551. [q] Dugdale's Baron. vol. i. p. 168, 169. [r] Hist. Croyl. cont. p. 568. [s] Ibid.

[t] The lines were,

> The Rat, the Cat, and Lovel that Dog,
> Rule all England under the Hog.

Alluding to the names of Ratcliffe and Catesby, and to Richard's arms, which were a boar.

[u] Every one that has perused the ancient monkish writers knows, that however barbarous their own style, they are full of allusions to the Latin classics, especially the poets. There seems also, in those middle ages, to have remained many ancient books that are now lost. Malmesbury, who flourished in the reign of Henry I and king Stephen, quotes Livy's description of Cæsar's passage over the Rubicon. Fitz-Stephens, who lived in the reign of Henry II, alludes to a passage in the larger history of Sallust. In the collection of letters, which passes under the name of Thomas a Becket, we see how familiar all the ancient history and ancient books were to the more ingenious and more dignified churchmen of that time, and consequently how much that order of men must have surpassed all the other members of the society. That prelate and his friends call each other philosophers in all the course of their correspondence, and consider the rest of the world as sunk in total ignorance and barbarism.

[x] There appear early symptoms of the jealousy entertained by the barons against the progress of the arts, as destructive of their licentious power. A law was enacted, 7 Henry IV, chap. 17, prohibiting any one who did not possess twenty shillings a year in land from binding his sons apprentices to any trade. They found already that the cities began to drain the country of the labourers and husbandmen; and did not foresee how much the increase of commerce would increase the value of their estates. See farther, Cotton, p. 179. The kings, to encourage the boroughs, granted them this privilege, that any villain who had lived a twelvemonth in any corporation, and had been of the guild, should be thenceforth regarded as free.

[y] Rymer, vol. vii. p. 849. Coke's Inst. 4 inst. part 1, p. 37. [z] Bacon in Kennet's complete History, p. 579. [a] Bacon, p. 579. [b] Ibid. Polydore Virgil, p. 565.

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[c] Polydore Virgil, p. 567. [d] Bacon, p. 581. [e] Rot. Parl. 1 Hen. VII, n. 2, 3, 4—15, 17, 26—65. [f] Bacon, p. 581. [g] Ibid. [h] Polydore Virgil, p. 566. [i] Bacon, p. 582. [k] Polydore Virgil, p. 569. [l] Bacon, p. 583. [m] Polydore Virgil, p. 569, 570. [n] Ibid. [o] Bacon, p. 583. Polydore Virgil, p. 571. [p] Polyd. Virg. p. 572, 573. [q] Bacon, p. 586. Polyd. Virg. p. 574. [r] Polyd. Virg. p. 575. [s] Bacon, p. 589. [t] Argentré Hist. de Bretagne, liv. 12. [u] 9th November 1487. [x] Polydore Virgil, p. 579, says that this imposition was a capitation tax; the other

historians say it was a tax of two shillings in the pound. [a] Bacon, p. 595. [b] Du Tillet, Recueil des Traités. [c] Rymer, vol. xii. p. 446. Bacon says that the benevolence was levied with consent of parliament, which is a mistake. [d] Bacon, p. 601.

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[a] Bacon, p. 605. Polydore Virgil, p. 586. [b] Bacon, p. 606. [c] Polyd. Virg. p. 589. [d] Bacon, p. 608. [e] Polyd. Virg. p. 592. [f] Bacon, p. 611. Polydore Virgil, p. 593. [g] Polydore Virgil, p. 595. [h] Sir John Davies, p. 235. [i] Bacon, p. 615. Polyd. Virgil, p. 596, 597. [k] Polydore Virgil, p. 598. [l] Ibid. p. 601. [m] Ibid. p. 603. [n] Ibid. p. 606.

[o] Stowe, Baker, Speed, Biondi, Holingshed, Bacon. Some late writers, particularly Mr. Carte, have doubted whether Perkin were an impostor, and have even asserted him to be the true Plantagenet. But to refute this opinion, we need only reflect on the following particulars: (1) Though the circumstances of the wars between the two roses be, in general, involved in great obscurity, yet is there a most luminous ray thrown on all the transactions during the usurpation of Richard, and the murder of the two young princes, by the narrative of sir Thomas More, whose singular magnanimity, probity, and judgment, make him an evidence beyond all exception! No historian, either of ancient or modern times, can possibly have more weight: he may also be justly esteemed a contemporary with regard to the murder of the two princes: for though he was but five years of age when that event happened, he lived and was educated among the chief actors during the period of Richard: and it is plain, from his narrative itself, which is often extremely circumstantial, that he had the particulars from the eye-witnesses themselves: his authority, therefore, is irresistible; and sufficient to overbalance a hundred little doubts and scruples and objections. For in reality his narrative is liable to no solid objection, nor is there any mistake detected in it. He says, indeed, that the protector's partisans, particularly Dr. Shaw, spread abroad rumours of Edward IV's pre-contract with Elizabeth Lucy; whereas it now appears from record, that the parliament afterwards declared the king's children illegitimate, on pretence of his pre-contract with lady Eleanor Talbot. But it must be remarked that neither of these pre-contracts was ever so much as attempted to be proved: and why might not the protector's flatterers and partisans have made use sometimes of one false rumour, sometimes of another? Sir Thomas More mentions the one rumour as well as the other, and treats them both lightly, as they deserved. It is also thought incredible by Mr. Carte that Dr. Shaw should have been encouraged by Richard to calumniate openly his mother the duchess of York, with whom that prince lived in good terms. But if there be any difficulty in this supposition, we need only suppose that Dr. Shaw might have concerted, in general, his sermon with the protector or his ministers, and yet have chosen himself the particular topics, and chosen them very foolishly. This appears, indeed, to have been the case, by the disgrace into which he fell afterwards, and by the protector's neglect of him. (2) If sir Thomas's quality of contemporary be disputed with regard to the duke of Glocester's protectorate, it cannot possibly be disputed with regard to Perkin's imposture: he was then a man, and had a full opportunity of knowing and examining and judging of the truth. In asserting that the duke of York was murdered by his uncle, he certainly asserts, in the most express terms, that Perkin who personated him was an impostor. (3) There is another great genius who has carefully treated this point of history; so great a genius as to be esteemed with justice one of the chief ornaments of the nation, and indeed one of the most sublime writers that any age or nation has produced. It is lord Bacon I mean, who has related at full length, and without the least doubt or hesitation, all the impostures of Perkin Warbec. If it be objected, that lord Bacon was no contemporary, and that we have the same materials as he upon which to form our judgment; it must be remarked, that lord Bacon plainly composed his elaborate and exact history from many records and papers which are now lost, and that, consequently, he is always to be cited as an original historian. It were very strange, if Mr. Carte's opinion were just, that among all the papers which lord Bacon perused, he never found any reason to suspect Perkin to be the true Plantagenet. There was at that time no interest in defaming Richard III. Bacon, besides, is a very unbiassed historian, nowise partial to Henry: we know the detail of that prince's oppressive government from him alone. It may only be thought, that in summing up his character, he has laid the colours of blame more faintly than

the very facts he mentions seem to require. Let me remark, in passing, as a singularity, how much English history has been beholden to four great men, who have possessed the highest dignity in the law, More, Bacon, Clarendon, and Whitlocke. (4) But if contemporary evidence be so much sought after, there may in this case be produced the strongest and most undeniable in the world. The queen dowager, her son the marquis of Dorset, a man of excellent understanding, sir Edward Woodville, her brother, sir Thomas St. Leger, who had married the king's sister, sir John Bourchier, sir Robert Willoughby, sir Giles Daubency, sir Thomas Arundel, the Courtneys, the Cheyneys, the Talbots, the Stanleys, and, in a word, all the partisans of the house of York, that is, the men of chief dignity in the nation; all these great persons were so assured of the murder of the two princes, that they applied to the earl of Richmond, the mortal enemy of their party and family; they projected to set him on the throne, which must have been utter ruin to them if the princes were alive; and they stipulated to marry him to the princess Elizabeth, as heir to the crown, who in that case was no heir at all. Had each of those persons written the memoirs of his own times, would he not have said that Richard murdered his nephews? Or would their pen be a better declaration than their actions of their real sentiments? (5) But we have another contemporary authority still better than even these great persons, so much interested to know the truth: it is that of Richard himself: he projected to marry his niece, a very unusual alliance in England, in order to unite her title with his own. He knew, therefore, her title to be good: for as to the declaration of her illegitimacy, as it went upon no proof, or even pretence of proof, it was always regarded with the utmost contempt by the nation, and was considered as one of those parliamentary transactions so frequent in that period, which were scandalous in themselves, and had no manner of authority. It was even so much despised as not to be reversed by parliament, after Henry and Elizabeth were on the throne. (6) We have also, as contemporary evidence, the universal established opinion of the age, both abroad and at home. This point was regarded as so uncontroverted, that when Richard notified his accession to the court of France, that court was struck with horror at his abominable parricide, in murdering both his nephews, as Philip de Comines tells us; and this sentiment went to such an unusual height, that, as we learn from the same author, the court would not make the least reply to him. (7) The same reasons which convinced that age of the parricide still subsist, and ought to carry the most undoubted evidence to us; namely, the very circumstance of the sudden disappearance of the princes from the tower, and their appearance nowhere else. Every one said, 'they have not escaped from their uncle, for he makes no search after them: he has not conveyed them elsewhere; for it is his business to declare so, in order to remove the imputation of murder from himself. He never would needlessly subject himself to the infamy and danger of being esteemed a parricide, without acquiring the security attending that crime. They were in his custody; he is answerable for them: if he gives no account of them, as he has a plain interest in their death, he must, by every rule of common sense, be regarded as the murderer. His flagrant usurpation, as well as his other treacherous and cruel actions, makes no better be expected from him. He could not say, with Cain, that he was not his nephews' keeper.' This reasoning, which was irrefragable at the very first, became every day stronger, from Richard's continued silence, and the general and total ignorance of the place of these princes' abode. Richard's reign lasted about two years beyond this period; and surely he could not have found a better expedient for disappointing the earl of Richmond's projects, as well as justifying his own character, than the producing of his nephews. (8) If it were necessary, amidst this blaze of evidence, to produce proofs, which in any other case would have been regarded as considerable, and would have carried great validity with them, I might mention Dighton and Tyrrel's account of the murder. This last gentleman especially was not likely to subject himself to the reproach of so great a crime, by an imposture which it appears did not acquire him the favour of Henry. (9) The duke of York, being a boy of nine years of age, could not have made his escape without the assistance of some elder persons. Would it not have been their chief concern instantly to convey intelligence of so great an event to his mother the queen dowager, to his aunt the duchess of Burgundy, and to the other *friends* of the family? The duchess protected Simnel; a project which, had it been successful, must have ended in the crowning of Warwick, and the exclusion of the duke of York! This, among many other

proofs, evinces that she was ignorant of the escape of that prince, which is impossible had it been real. (10) The total silence with regard to the persons who aided him in his escape, as also with regard to the place of his abode during more than eight years, is a sufficient proof of the imposture. (11) Perkin's own account of his escape is incredible and absurd. He said that murderers were employed by his uncle to kill him and his brother: they perpetrated the crime against his brother; but took compassion on him, and allowed him to escape. This account is contained in all the historians of that age. (12) Perkin himself made a full confession of his imposture no less than three times: once when he surrendered himself prisoner, a second time when he was set in the stocks at Cheapside and Westminster, and a third time, which carries undoubted evidence, at the foot of the gibbet on which he was hanged. Not the least surmise that the confession had ever been procured by torture; and surely the last time he had nothing farther to fear. (13) Had not Henry been assured that Perkin was a ridiculous impostor, disavowed by the whole nation, he never would have allowed him to live an hour after he came into his power; much less would he have twice pardoned him. His treatment of the innocent earl of Warwick, who in reality had no title to the crown, is a sufficient confirmation of this reasoning. (14) We know with certainty whence the whole imposture came, namely, from the intrigues of the duchess of Burgundy: she had before acknowledged and supported Lambert Simnel, an avowed impostor. It is remarkable that Mr. Carte, in order to preserve the weight of the duchess's testimony in favour of Perkin, suppresses entirely this material fact: a strong effect of party prejudices, and this author's desire of blackening Henry VII, whose hereditary title to the crown was defective. (15) There never was at that time any evidence or shadow of evidence produced of Perkin's identity with Richard Plantagenet. Richard had disappeared when near nine years of age, and Perkin did not appear till he was a man. Could any one from his aspect pretend then to be sure of the identity? He had got some stories concerning Richard's childhood, and the court of England: but all that it was necessary for a boy of nine to remark or remember, was easily suggested to him by the duchess of Burgundy, or Frion, Henry's secretary, or by any body that had ever lived at court. It is true, many persons of note were at first deceived; but the discontents against Henry's government, and the general enthusiasm for the house of York, account sufficiently for this temporary delusion. Every body's eyes were opened long before Perkin's death. (16) The circumstance of finding the two dead bodies in the reign of Charles II is not surely indifferent. They were found in the very place which More, Bacon, and other ancient authors, had assigned as the place of interment of the young princes: the bones corresponded, by their size, to the age of the princes: the secret and irregular place of their interment, not being in holy ground, proves that the boys had been secretly murdered: and in the tower no boys but those who are very nearly related to the crown can be exposed to a violent death. If we compare all these circumstances, we shall find that the inference is just and strong, that they were the bodies of Edward the Fifth and his brother; the very inference that was drawn at the time of the discovery.

Since the publication of this history, Mr. Walpole has published his Historic Doubts concerning Richard III. Nothing can be a stronger proof how ingenious and agreeable that gentleman's pen is, than his being able to make an inquiry concerning a remote point of English history, an object of general conversation. The foregoing note has been enlarged on account of that performance.

[p] Bacon, p. 629, 630. Holingshed, p. 504. Polyd. Virg. p. 613, 615.

[q] Silver was, during this reign, at thirty-seven shillings and six pence a pound, which makes Henry's treasure near three millions of our present money. Besides, many commodities have become above thrice as dear by the increase of gold and silver in Europe. And what is a circumstance of still greater weight, all other states were then very poor in comparison of what they are at present. These circumstances make Henry's treasure appear very great; and may lead us to conceive the oppressions of his government.

[r] Bacon, p. 633. [s] Rymer, vol. xiii. p. 142.

[t] Dugd. Baronage, ii. p. 237.

[u] As a proof of Henry's attention to the smallest profits, Bacon tells us that he had seen a book of accompts kept by Empson, and subscribed in almost every leaf by the king's own hand. Among other articles was the following: 'Item, received of such a one five marks for a pardon, which if it do not pass, the money to

be repaid, or the party otherwise satisfied.' Opposite to the memorandum the king had writ with his own hand, 'otherwise satisfied.' Bacon, p. 630.

[x] Rot. Parl. 3 Hen. VII, n. 17. The preamble is remarkable, and shews the state of the nation at that time. 'The king, our sovereign lord, remembereth how by our unlawful maintainances, giving of liveries, signs and tokens, retainders by indentures, promises, oaths, writings, and other embraceries of his subjects, untrue demeanings of sheriffs in making pannels, and untrue returns by taking money, by juries, &c. the policy of this nation is most subdued.' It must indeed be confessed, that such a state of the country required great discretionary power in the sovereign; nor will the same maxims of government suit such a rude people, that may be proper in a more advanced stage of society. The establishment of the star chamber, or the enlargement of its power in the reign of Henry VII, might have been as wise as the abolition of it in that of Charles I.

[y] 3 Hen. VII, cap. 1. [z] 11 H. VII, cap. 12.

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[a] 3 H. VII, cap. 2. [b] 4 H. VII, cap. 13.
[c] 11 H. VII, cap. 15. [d] Ibid. cap. 24.
19 H. VII, cap. 100. [e] 3 H. VII, cap. 13.
[f] Ibid. cap. 1 and 12. 11 H. VII, cap. 3.
19 H. VII, cap. 14. [g] 3 H. VII, cap. 12.
11 H. VII, cap. 25.

[h] The duke of Northumberland has lately printed a household book of an old earl of that family who lived at this time: the author has been favoured with the perusal of it; and it contains many curious particulars, which mark the manners and way of living in that rude, not to say barbarous age; as well as the prices of commodities. I have extracted a few of them from that piece, which gives a true picture of ancient manners, and is one of the most singular monuments that English antiquity affords us: for we may be confident, however rude the strokes, that no baron's family was on a nobler or more splendid footing. The family consists of one hundred and sixty-six persons, masters and servants: fifty-seven strangers are reckoned upon every day: on the whole two hundred and twenty-three. Two pence halfpenny are supposed to be the daily expense of each for meat, drink, and firing. This would make a groat of our present money: supposing provisions between three and four times cheaper, it would be equivalent to fourteen pence: no great sum for a nobleman's housekeeping; especially considering, that the chief expense of a family at that time consisted in meat and drink: for the sum allotted by the earl for his whole annual expense is eleven hundred and eighteen pounds seventeen shillings and eight pence: meat, drink, and firing, cost seven hundred and ninety-six pounds eleven shillings and two pence, more than two thirds of the whole: in a modern family it is not above a third, p. 157, 158, 159. The whole expense of the earl's family is managed with an exactness that is very rigid, and, if we make no allowance for ancient manners, such as may seem to border on an extreme; insomuch that the number of pieces which must be cut out of every quarter of beef, mutton, pork, veal, nay stock-fish and salmon, are determined, and must be entered and accounted for by the different clerks appointed for that purpose: if a servant be absent a day, his mess is struck off: if he go on my lord's business, board wages is allowed him, eight pence a day for his journey in winter, five pence in summer: when he stays in any place, two pence a day are allowed him, beside the maintenance of his horse. Somewhat above a quarter of wheat is allowed for every month throughout the year; and the wheat is estimated at five shillings and eight pence a quarter. Two hundred and fifty quarters of malt are allowed, at four shillings a quarter: two hogsheads are to be made of a quarter; which amounts to about a bottle and a third of beer a day to each person, p. 4, and the beer will not be very strong. One hundred and nine fat beeves are to be bought at All-hallow-tide, at thirteen shillings and four pence apiece: and twenty-four lean beeves to be bought at St. Helens at eight shillings apiece: these are to be put into the pastures to feed; and are to serve from Midsummer to Michaelmas; which is consequently the only time that the family eats fresh beef: during all the rest of the year they live on salted meat, p. 5. One hundred and sixty gallons of mustard are allowed in a year, which seems indeed requisite for the salt beef, p. 18. Six hundred and forty-seven sheep are allowed, at twenty pence apiece; and these seem also to be all ate salted, except between Lammas and Michaelmas, p. 5. Only twenty-five hogs are allowed at two shillings apiece: twenty-eight veals at twenty pence; forty lambs at ten pence or a shilling, p. 7. These seem to be reserved for my lord's table, or that of the upper servants,

called the knights' table. The other servants, as they ate salted meat almost through the whole year, and with few or no vegetables, had a very bad and unhealthy diet: so that there cannot be any thing more erroneous than the magnificent ideas formed of 'the Roast Beef of old England.' We must entertain as mean an idea of its cleanliness: only seventy ells of linen at eight pence an ell are annually allowed for this great family: no sheets were used: this linen was made into eight table-cloths for my lord's table, and one table-cloth for the knights, p. 16. This last, I suppose, was washed only once a month. Only forty shillings are allowed for washing throughout the whole year, and most of it seems expended on the linen belonging to the chapel. The drinking, however, was tolerable, namely, ten tuns and two hogsheads of Gascogny wine, at the rate of four pounds thirteen shillings and four pence a tun, p. 6. Only ninety-one dozen of candles for the whole year, p. 14. The family rose at six in the morning, dined at ten, and supped at four in the afternoon: the gates were all shut at nine, and no farther ingress or egress permitted, p. 314, 318. My lord and lady have set on their table, for breakfast at seven o'clock in the morning, a quart of beer; as much wine; two pieces of salt fish, six red herrings, four white ones, or a dish of sprats. In flesh days half a chyne of mutton, or a chyne of beef boiled, p. 73, 75. Mass is ordered to be said at six o'clock, in order, says the household book, that all my lord's servants may rise early, p. 170. Only twenty-four fires are allowed, beside the kitchen and hall, and most of these have only a peck of coals a day allowed them, p. 99. After Lady-day no fires permitted in the rooms, except half fires in my lord's and lady's, and lord Piercy's and the nursery, p. 101. It is to be observed that my lord kept house in Yorkshire, where there is certainly much cold weather after Lady-day. Eighty chalders of coals, at four shillings and two pence a chalder, suffices throughout the whole year; and because coal will not burn without wood, says the household book, sixty-four loads of great wood are also allowed, at twelve pence a load, p. 22. This is a proof that grates were not then used. Here is an article. 'It is devised that from henceforth no capons to be bought but only for my lord's own mess, and that the said capons shall be bought for two pence apiece, lean, and fed in the poultry; and master chamberlain and the stewards be fed with capons, if there be strangers sitting with them,' p. 102. Pigs are to be bought at three pence or a groat apiece: geese at the same price: chickens at a halfpenny: hens at two pence, and only for the above-mentioned tables. Here is another article. 'Item, it is thought good that no plovers be bought at no season but only in Christmas and principal feasts, and my lord to be served therewith, and his board-end, and none other, and to be bought for a penny apiece, or a penny halfpenny at most,' p. 103. Woodcocks are to be bought at the same price. Partridges at two pence, p. 104, 105. Pheasants a *shilling*; peacocks the same, p. 106. My lord keeps only twenty-seven horses in his stable at his own charge: his upper servants have allowance for maintaining their own horses, p. 126. These horses are, six gentle horses, as they are called, at hay and hard meat throughout the whole year, four palfreys, three hobbies and nags, three sumpter horses, six horses for those servants to whom my lord furnishes a horse, two sumpter horses more, and three mill horses, two for carrying the corn, and one for grinding it; whence we may infer that mills, either water or wind mills, were then unknown, at least very rare: besides these there are seven great trotting horses for the chariot or waggon. He allows a peck of oats a day, besides loaves made of beans, for his principal horses; the oats at twenty pence, the beans at two shillings a quarter. The load of hay is at two shillings and eight pence. When my lord is on a journey he carries thirty-six horsemen along with him, together with bed and other accommodation, p. 157. The inns, it seems, could afford nothing tolerable. My lord passes the year in three country seats, all in Yorkshire, Wrysel, Leckenfield, and Topclyffe; but he has furniture only for one: he carries every thing along with him, beds, tables, chairs, kitchen utensils, all which we may conclude were so coarse that they could not be spoiled by the carriage; yet seventeen carts and one waggon suffice for the whole, p. 391. One cart suffices for all his kitchen utensils, cooks' beds, &c. p. 388. One remarkable circumstance is, that he has eleven priests in his house, besides seventeen persons, chanters, musicians, &c. belonging to his chapel: yet he has only two cooks for a family of two hundred and twenty-three persons, p. 325. —[In another place mention is made of four cooks, p. 388. But I suppose that the two servants called, in p. 325, groom of the larder and child of the scullery, are, in p. 388, compre-

heeded in the number of cooks.]—Their meals were certainly dressed in the slovenly manner of a ship's company. It is amusing to observe the pompous and even royal style assumed by this Tartar chief: he does not give any orders, though only for the right making of mustard, but it is introduced with this preamble, 'It seemeth good to us and our council.' If we consider the magnificent and elegant manner in which the Venetian and other Italian noblemen then lived, with the progress made by the Italians in literature and the fine arts, we shall not wonder that they considered the ultramontane nations as barbarous. The Flemish also seem to have much excelled the English and even the French. Yet the earl is sometimes not deficient in generosity: he pays, for instance, an annual pension of a groat a year to my lady of Walsingham, for her interest in heaven; the same sum to the holy blood at Hales, p. 337. No mention is any where made of plate, but only of the hiring of pewter vessels. The servants seem all to have bought their own clothes from their wages.

[l] 4 Hen. VII, cap. 24. The practice of breaking entails by means of a fine and recovery was introduced in the reign of Edward the IVth: but it was not, properly speaking, law till the statute of Henry the VIIth; which, by correcting some abuses that attended that practice, gave indirectly a sanction to it.

[k] 3 Hen. VII, cap. 5. [l] Ibid. cap. 6.
[m] 7 H. VII, cap. 8. [n] Polydore Virgil.
[o] 4 H. VII, cap. 23. [p] 3 H. VII, cap. 8.
[q] 11 H. VII, cap. 13. [r] 3 H. VII, cap. 12.
[s] 4 H. VII, cap. 8. [t] Ibid. cap. 9.
[u] 11 H. VII. cap. 22. [x] 4 H. VII, cap. 9.
[y] 11 H. VII, cap. 22. [z] 7 H. VII, cap. 17.

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[a] 11 H. VII, cap. 11. [b] 12 H. VII, cap. 1.
[c] 4 H. VII, cap. 19. [d] 19 H. VII, cap. 7.
[e] Ibid. cap. 8. [f] Ibid. cap. 18. [g] 12 H. VII, cap. 6. [h] Rymer, vol. xiii. p. 37. [i] Stowe, p. 484. [k] T. Mori Lucubr. p. 182. [l] Father Paul, lib. 1. [m] Herbert. Stowe, p. 486. Holingshed, p. 799. [n] Lord Herbert. [o] Ibid.
[p] Herbert. Stowe, p. 486. Holingshed, p. 799. Polyd. Virg. lib. 28. [q] Herbert. Holingshed, p. 804.

[r] This parliament met on the twenty-first of January 1510. A law was there enacted, in order to prevent some abuses which had prevailed during the late reign. The forfeiture upon the penal statutes was reduced to the term of three years. Costs and damages were given against informers upon acquittal of the accused: more severe punishments were enacted against perjury: the false inquisitions procured by Empson and Dudley were declared null and invalid. Traverses were allowed, and the time of tendering them enlarged. 1 H. VIII, c. 8, 10, 11, 12.

[s] In 1508. [t] Guicciard. lib. 8. [u] Spelm. Concil. vol. ii. p. 725. [w] Guicciardini, lib. 10. [x] Ibid. lib. 9. [y] Ibid. lib. 11. P. Daniel, vol. ii. p. 1893. Herbert. Holingshed, p. 831. [z] Herbert. Holingshed, p. 811.

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[a] Herbert. Holingshed, p. 813. [b] Polyd. Virgil, lib. 27. Stowe, p. 490. Lanquet's Epitome of Chronicles, fol. 273. [c] Guicciard. lib. 10. [d] Father Paul, lib. 1. [e] 4th November 1512. [f] Stowe. [g] Polydore Virgil, lib. 27. [h] Stowe, p. 489. Holingshed, p. 811. [i] Buchanan, lib. 13. Drummond in the life of James IV. [k] Stowe, p. 997. [l] Cavendish. Fiddes's life of Wolsey. Stowe. [m] Antiq. Brit. Eccles. p. 309. Polyd. Virgil, lib. 27. [n] Cavendish, p. 12. Stowe, p. 499.

[o] It was a maxim of Howard's, that no admiral was good for any thing that was not even brave to a degree of madness. As the sea service requires much less plan and contrivance and capacity than the land, this maxim has great plausibility and appearance of truth: though the fate of Howard himself may serve as a proof, that even there courage ought to be tempered with discretion.

[p] Stowe, p. 491. Herbert. Holingshed, p. 816. [q] Polyd. Virgil, lib. 27. Belcarius, lib. 14. [r] Hist. de Chev. Bayard, chap. 57. Memoires de Bellai. [s] Memoires de Bellai, liv. 1. Polydore Virgil, liv. 27. Holingshed, p. 822. Herbert. [t] Memoires du Mareschal de Fleuranges. Belcarius, lib. 14. [u] Memoires de Fleuranges. [x] Strype's Memorials, vol. i. p. 5, 6. [y] Guicciardini. [z] Buchanan, lib. 13. Drummond. Herbert. Polyd. Virg. lib. 27. Stowe, p. 493. Paulus Jovius.

[a] Buchanan, lib. 13. Herbert. [b] Petrus de Angleria, epist. 545, 546. [c] Du Tillet. [d] Brantome Eloge de Louis XII. [e] Petrus de Angleria, epist. 544.

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[a] Erasm. Epist. lib. 2. epist. 1. lib. 16. epist. 3. [b] Polydore Virgil, lib. 27. Stowe, p. 501. Holingshed, p. 847. [c] Polydore Virgil,

lib. 27. [d] Sir Thomas More. Stowe, p. 504. [e] Erasm. lib. 2. epist. 1. Cavendish. Hall. [f] Buchanan, lib. 14. Drummond. Herbert. [g] Buchanan, lib. 14. Drummond. [h] Memoires du Bellai, lib. 1. Guicciardini, lib. 12. [i] Histoire de la Ligue de Cambray. [k] Pere Daniel, vol. iii. p. 31. [l] Polydore Virgil, lib. 27. [m] Petrus de Angleria, epist. 568. [n] Guicciardini, lib. 12. [o] Polydore Virgil, lib. 27. [p] Memoires du Bellai, lib. 1. [q] Polydore Virgil, lib. 27. [r] Strype's Memorials, vol. i. p. 125.

[s] Polydore Virgil, lib. 27. This whole narrative has been copied by all the historians from the author here cited: there are many circumstances, however, very suspicious both because of the obvious partiality of the historian, and because the parliament, when they afterwards examined Wolsey's conduct, could find no proof of any material offence he had ever committed.

[t] Belcario, lib. 16. Guicciardini, lib. 13. [u] Polydore Virgil, lib. 27. [x] Ibid. Herbert. Holingshed, p. 855. [y] Memoires de Fleuranges. [z] An angel was then estimated at seven shillings, or near twelve of our present money.

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[a] Memoires de Fleuranges. [b] Mezeray. [c] Polydore Virgil. Hall. [d] Herbert. Hall. Stowe, p. 513. Holingshed, p. 862. [e] Father Paul and Sleidan. [f] In 1517. [g] Father Paul. Sleidan. [h] Father Paul, lib. 1.

[i] Protestant writers have imagined, that because a man could purchase for a shilling an indulgence for the most enormous and unheard-of crimes, there must necessarily have ensued a total dissolution of morality, and consequently of civil society, from the practices of the Romish church. They do not consider that after all these indulgences were promulgated, there still remained (besides hell-fire) the punishment by the civil magistrate, the infamy of the world, and secret remorses of conscience, which are the great motives that operate on mankind. The philosophy of Cicero, who allowed of an Elysium, but rejected all Tartarus, was a much more universal indulgence than that preached by Arcenboldi or Tetzel: yet *nobody* will suspect Cicero of any design to promote immorality. The sale of indulgences seems, therefore, no more criminal than any other cheat of the church of Rome, or of any other church. The reformers, by entirely abolishing purgatory, did really, instead of partial indulgences sold by the pope, give gratis a general indulgence of a similar nature for all crimes and offences without exception or distinction. The souls once consigned to hell were never supposed to be redeemable by any price. There is on record only one instance of a damned soul that was saved, and that by the special intercession of the virgin. See Pascal's Provincial Letters. An indulgence saved the person who purchased it from purgatory only.

[k] Father Paul, lib. 1. [l] Ibid. Sleidan. [m] Father Paul, lib. 1. [n] Guicciardini, lib. 14. [o] Petrus de Angleria, epist. 765. [p] Guicciard. lib. 14. [q] Buchanan, lib. 14. Drummond. Pitscottie. [r] Buchanan, lib. 14. Herbert. [s] Le Grand, vol. iii. p. 39. [t] Buchanan, lib. 14. [u] Herbert. Stowe, p. 514.

[x] This survey or valuation is liable to much suspicion, as fixing the rents a great deal too high; unless the sum comprehended the revenues of all kinds, industry as well as land and money.

[y] Herbert. Stowe, p. 518. Parliamentary History. Strype, vol. i. p. 49, 50.

[z] It is said that when Henry heard that the commons made a great difficulty of granting the required supply, he was *so provoked* that he sent for Edward Montague, one of the members who had a considerable influence on the house; and he being introduced to his majesty, had the mortification to hear him speak in these words: 'Ho! man! will they not suffer my bill to pass?' and laying his hand on Montague's head, who was then on his knees before him, 'Get my bill passed by to-morrow, or else to-morrow this head of yours shall be off.' This cavalier manner of Henry's succeeded, for next day the bill passed. Collins's British Peerage. Grove's Life of Wolsey. We are told by Hall, fol. 38, that cardinal Wolsey endeavoured to terrify the citizens of London into the general loan exacted in 1525, and told them plainly, that 'it were better that some should suffer indigence than that the king at this time should lack; and therefore beware and resist not, nor ruffle not in this case, for it may fortune to cost some people their heads.' Such was the style employed by this king and his ministers.

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[a] Speed. Hall. Herbert. [b] Guicciardini, lib. 14. [c] Memoires du Bellay, liv. 2.

[a] Belcarius, lib. 17. [b] Herbert. [c] Guicciardini, lib. 15. Memoires du Bellay, liv. 2. [d] Guicciardini, lib. 15. [e] Ibid. Du Bellay, liv. 2. [f] Vera Hist. de Carl. V. [g] Guicciardini, lib. 16. [h] Du Bellay, liv. 3. Stowe, p. 221. Baker, p. 273. [i] Du Tillet. Recueil des Traités de Leonard, tom. 2. Herbert. [k] Herbert. Hall. [l] Herbert. Hall. Stowe, p. 525. Holingshed, p. 891. [m] Herbert. De Vera. Sandoval. [n] Guicciardini, lib. 17. [o] Ibid. lib. 18. Bellay. Stowe, p. 527. [p] Burnet, book 3, col. 12, 13. [q] Morison's Apomaxis, p. 13. [r] Morison, p. 13. Heylin's Queen Mary, p. 2. [s] Lord Herbert. Fiddes's Life of Wolsey. [t] Rymer, vol. xiv. p. 192, 203. Heylin, p. 3. [u] Burnet. Fiddes.

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[a] Burnet, vol. i. p. 38. Stowe, p. 548. [b] Le Grand, vol. iii. p. 46, 166, 168. Saunders. Heylin, p. 4. [c] Burnet, vol. i. p. 38. Strype, vol. i. p. 88. [d] Camden's Preface to the Life of Elizabeth. Burnet, vol. i. p. 44. [e] Collier, Eccles. Hist. vol. ii. p. 25, from the Cott. Lib. Vitel. B. 9. [f] Burnet, vol. i. p. 47. [g] Rymer, vol. xiv. p. 237. [h] Collier, from Cott. Lib. Vitel. B. 10. [i] Burnet, vol. i. p. 51. [k] Father Paul, lib. 1. Guicciardini. [l] Father Paul, lib. 1. [m] Ibid. [n] Ibid. [o] Lord Herbert. Burnet, vol. i. p. 29, in the collect. Le Grand, vol. iii. p. 28. Strype, vol. i. p. 93, with App. N° 23, 24, &c. [p] Lord Herbert, p. 221. Burnet, p. 59. [q] Herbert, p. 225. [r] Burnet, p. 58. [s] Rymer, vol. xiv. p. 270. Strype, vol. i. p. 110, 111. Append. N° 28. [t] Burnet, vol. i. p. 63. [u] Herbert, p. 225. Burnet, vol. i. p. 69. [x] Burnet, vol. i. p. 73. Hall. Stowe, p. 543. [y] Herbert. [z] Burnet, vol. ii. p. 35.

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[a] Rymer, vol. xiii. p. 81. [b] Burnet, vol. i. p. 76, 77. [c] Herbert, p. 254. [d] Burnet, vol. i. p. 75. [e] Collier, vol. ii. p. 45. Burnet, vol. i. p. 53. [f] Cavendish, p. 40. [g] Ibid. p. 41. [h] Strype, vol. i. p. 114, 115. App. N° 31, &c. [i] Stowe, p. 547. [k] Cavendish. Stowe, p. 549.

[l] The first article of the charge against the cardinal is his procuring the legantine power, which, however, as it was certainly done with the king's consent and permission, could be nowise criminal. Many of the other articles also regard the mere exercise of that power. Some articles impute to him as crimes, particular actions which were natural or unavoidable to any man that was prime minister with so unlimited an authority; such as receiving first all letters from the king's ministers abroad, receiving first all visits from foreign ministers, desiring that all applications should be made through him. He was also accused of naming himself with the king, as if he had been his fellow: 'the king and I.' It is reported, that sometimes he even put his own name before the king's, 'ego et rex meus.' But this mode of expression is justified by the Latin idiom. It is remarkable that his whispering in the king's ear, knowing himself to be affected with venereal distempers, is an article against him. Many of the charges are general, and incapable of proof. Lord Herbert goes so far as to affirm that no man ever fell from so high a station who had so few real crimes objected to him. This opinion is perhaps a little too favourable to the cardinal. Yet the refutation of the articles by Cromwell, and their being rejected by a house of commons, even in this arbitrary reign, is almost a demonstration of Wolsey's innocence. Henry was, no doubt, entirely bent on his destruction, when, on his failure by a parliamentary impeachment, he attacked him upon the statute of provisors, which afforded him so little just hold on that minister. For that this indictment was subsequent to the attack in parliament, appears by Cavendish's Life of Wolsey, and Stowe, p. 551, and more certainly by the very articles of impeachment themselves. Parliament. History, vol. iii. p. 42, article 7. Coke's Inst. part 4, fol. 89.

[m] Cavendish, p. 72.

[n] These exactions were quite arbitrary, and had risen to a great height. A member said in the house that a thousand marks had been exacted from him on that account. Hall, fol. 188. Strype, vol. i. p. 73.

[o] Parliament. History, vol. iii. p. 59. Burnet, vol. ii. p. 82. [p] Burnet, vol. ii. p. 83.

[q] Fox, p. 1860, 2d edit. Burnet, vol. i. p. 79. Speed, p. 769. Heylin, p. 5.

[r] Even judging of this question by the Scripture, to which the appeal was every moment made, the arguments for the king's cause appear but lame and imperfect. Marriage, in the degree of affinity which had place between Henry and Catherine, is indeed prohibited in Leviticus; but it is natural to interpret that prohibition as a part of the Jewish ceremonial or municipal law: and though it is there said,

in the conclusion, that the gentile nations, by violating those degrees of consanguinity, had incurred the divine displeasure, the extension of this maxim to every precise case before specified, is supposing the Scriptures to be composed with a minute accuracy and precision, to which we know with certainty the sacred penmen did not think proper to confine themselves. The descent of mankind from one common father obliged them, in the first generation, to marry in the nearest degrees of consanguinity: instances of a like nature occur among the patriarchs: and the marriage of a brother's widow was, in certain cases, not only permitted, but even enjoined as a positive precept by the Mosaical law. It is in vain to say that this precept was an exception to the rule, and an exception confined merely to the Jewish nation. The inference is still just, that such a marriage can contain no natural or moral turpitude; otherwise God, who is the author of all purity, would never in any case have enjoined it.

[s] Herbert. Burnet. [t] Wood, Hist. and Ant. Ox. lib. 1. p. 225. [u] Burnet, vol. i. p. 6. [x] Rymer, vol. xiv. p. 405. Burnet, vol. i. p. 95. [y] Rymer, vol. xiv. p. 454, 472. [z] Burnet, vol. i. p. 94.

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[a] Cavendish. Stowe, p. 554. [b] Cavendish. [c] Antiq. Brit. Eccles. p. 325. Burnet, vol. i. p. 106. [d] Holingshed, p. 923. [e] Hall's Chronicle. Holingshed, p. 923. Baker, p. 208. [f] Burnet, vol. i. Collect. N° 41. Strype, vol. i. p. 144. [g] Burnet, vol. i. p. 116. Hall. Parliamentary History. [h] Burnet, vol. i. p. 123, 124. [i] Herbert. Hall, fol. 205. [k] Herbert, p. 340, 341. [l] 24 Hen. VIII, c. 12. [m] Collier, vol. ii. p. 31, and Records, N° 8.

[n] Bishop Burnet has given us an account of the number of bulls requisite for Cranmer's installation. By one bull, directed to the king, he is upon the royal nomination made archbishop of Canterbury. By a second, directed to himself, he is also made archbishop. By a third he is absolved from all censures. A fourth is directed to the suffragans, requiring them to receive and acknowledge him as archbishop. A fifth to the dean and chapter, to the same purpose. A sixth to the clergy of Canterbury. A seventh to all the laity in his see. An eighth to all that held lands of it. By a ninth he was ordered to be consecrated, taking the oath that was in the pontifical. By a tenth the pall was sent him. By an eleventh, the archbishop of York and the bishop of London were required to put it on him. These were so many devices to draw fees to offices, which the popes had erected and disposed of for money. It may be worth observing that Cranmer, before he took the oath to the pope, made a protestation that he did not intend thereby to restrain himself from any thing that he was bound to, either by his duty to God, the king, or the country; and that he renounced every thing in it that was contrary to any of these. This was the invention of some casuist, and not very compatible with that strict sincerity, and that scrupulous conscience, of which Cranmer made profession. Collier, vol. ii. in Coll. N° 22. Burnet, vol. i. p. 128, 129.

[o] Heylin, p. 6. [p] Burnet, vol. i. p. 134. [q] Herbert, p. 326. Burnet, vol. i. p. 132. [r] Le Grand, vol. iii. p. 566. [s] Burnet, vol. ii. p. 133. Guicciardini. [t] Father Paul, lib. 1. [u] Ibid. [x] Burnet, vol. i. p. 144. [y] Le Neve's Fasti Eccles. Angl. [z] 25 Hen. VIII, c. 19.

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[a] Collier, vol. ii. p. 69, 70. [b] Collier's Eccles. Hist. vol. ii. [c] Burnet, vol. i. p. 156. [d] 26 H. VIII, c. 1. [e] Sleidan, lib. 4 and 5.

[f] Here are the terms in which the king's minister expressed himself to the pope: 'An non, inquam, sanctitas vestra plerosque habet quibuscum arcanum aliquid crediderit, putet id non minus celatum esse quam si uno tantum pectore contineretur; quod multo magis serenissimo Angliæ Regi evenire debet, cui singuli in suo regno sunt subjecti, neque etiam velint, possunt Regi non esse fidelissimi. Væ namque illis, si vel parvo momento ab illius voluntate recederent.' Le Grand, tom. iii. p. 113. The king once said publicly before the council, that if any one spoke of him or his actions in terms which became them not, he would let them know that he was master. 'Et qu'il n'y auroit si belle tête qu'il ne fit voler.' Id. p. 218.

[g] Burnet, vol. i. p. 159.

[h] Sacrilegium est et impietas velle placere Deo per opera et non per solam fidem. Luther adversus regem. Ita vides quam dives sit homo Christianus sive baptizatus, qui etiam volens non potest perdere salutem suam quantiscunque peccatis. Nulla enim peccata possunt eum damnare nisi incredulitas. Id. de captivitate Babylonicâ.

[i] Hall, fol. 186. Fox, vol. i. p. 138. Burnet, vol. i. p. 159. [k] Articles of Impeachment in Herbert. Burnet. [l] Fox. Burnet, vol. i. p. 165. [m] Burnet, vol. i. p. 164. [n] Strype, vol. i. p. 167. [o] Collier, vol. ii. p. 86. Burnet, vol. i. p. 151. [p] Stowe, p. 562. [q] Ibid. p. 570. Blanquet's Epitome of Chronicles. [r] Strype, vol. i. p. 181. [s] Collier, vol. ii. p. 87. [t] 25 Hen. VIII, c. 12. Burnet, vol. i. p. 149. Hall, fol. 220. [u] Godwin's Annals, p. 53. [x] Fuller's Church Hist. book 5, p. 203. [y] More's Life of Sir Thomas More. Herbert, p. 393. [z] Sanders, p. 148.

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[a] Herbert, p. 350, 351. [b] Sleidan, lib. 10. [c] Herbert, p. 403. [d] Burnet, vol. i. p. 192. [e] Du Bellay, liv. 5. Herbert. Burnet, vol. iii. in Coll. N° 50. [f] 27 H. VIII, c. 28. [g] Burnet, vol. i. p. 193.

[h] It is pretended, see Holingshed, p. 939, that ten thousand monks were turned out on the dissolution of the lesser monasteries. If so, most of them must have been Mendicants: for the revenue could not have supported near that number. The Mendicants, no doubt, still continued their former profession.

[i] 27 Hen. VIII, c. 27. [k] Ibid. c. 4. [l] Ibid. c. 10. [m] Burnet, vol. i. p. 196. [n] Ibid. p. 198. [o] Strype, vol. i. p. 281.

[p] This letter contains so much nature, and even elegance, as to deserve to be transmitted to posterity, without any alteration in the expression. It is as follows:

SIR,

'YOUR grace's displeasure and my imprisonment are things so strange unto me, as what to write or what to excuse I am altogether ignorant. Whereas you send unto me (willing me to confess a truth, and so obtain your favour) by such an one whom you know to be mine ancient professed enemy, I no sooner received this message by him than I rightly conceived your meaning; and if, as you say, confessing a truth indeed may procure my safety, I shall with all willingness and duty perform your command.

'But let not your grace ever imagine that your poor wife will ever be brought to acknowledge a fault where not so much as a thought thereof preceded. And, to speak a truth, never prince had wife more loyal in all duty, and in all true affection, than you have ever found in Anne Boleyn: with which name and place I could willingly have contented myself, if God and your grace's pleasure had been so pleased. Neither did I at any time so far forget myself in my exaltation or received queenship, but that I always looked for such an alteration as I now find; for the ground of my preferment being on no surer foundation than your grace's fancy, the least alteration I knew was fit and sufficient to draw that fancy to some other object. You have chosen me from a low estate to be your queen and companion, far beyond my desert or desire. If then you found me worthy of such honour, good your grace, let not any light fancy, or bad counsel of mine enemies, withdraw your princely favour from me; neither let that stain, that unworthy stain, of a disloyal heart towards your good grace, ever cast so foul a blot on your most dutiful wife, and the infant princess your daughter. Try me, good king, but let me have a lawful trial, and let not my sworn enemies sit as my accusers and judges; yea let me receive an open trial, for my truth shall fear no open shame; then shall you see either mine innocence cleared, your suspicion and conscience satisfied, the ignominy and slander of the world stopped, or my guilt openly declared. So that whatsoever God or you may determine of me, your grace may be freed from an open censure; and mine offence being so lawfully proved, your grace is at liberty both before God and man not only to execute worthy punishment on me as an unlawful wife, but to follow your affection already settled on that party for whose sake I am now as I am, whose name I could some good while since have pointed unto, your grace not being ignorant of my suspicion therein.

'But if you have already determined of me, and that not only my death, but an infamous slander, must bring you the enjoying of your desired happiness, then I desire of God that he will pardon your great sin therein, and likewise mine enemies, the instruments thereof, and that he will not call you to a strict account for your unprincely and cruel usage of me, at his general judgment-seat, where both you and myself must shortly appear, and in whose judgment I doubt not (whatsoever the world may think of me) mine innocence shall be openly known and sufficiently cleared.

'My last and only request shall be, that myself may only bear the burden of your grace's displeasure, and that it may not touch the innocent souls of those poor gentlemen who (as I understand) are likewise in strait imprisonment for my sake. If ever I have found favour in

your sight, if ever the name of Anne Boleyn hath been pleasing in your ears, then let me obtain this request, and I will so leave to trouble your grace any farther, with mine earnest prayers to the Trinity to have your grace in his good keeping, and to direct you in all your actions. From my doleful prison in the tower, this sixth of May;

Your most loyal and ever faithful wife,

ANNE BOLEYN.'

[a] Burnet, vol. ii. p. 202. [b] Herbert, p. 384. [c] Heylin, p. 94. [d] Burnet, vol. i. p. 205. [e] Ibid. p. 207. [f] Ibid. Strype, vol. i. p. 285.

[g] The parliament, in annulling the king's marriage with Anne Boleyn, gives this as a reason, 'For that his highness had chosen to wife the excellent and virtuous lady Jane, who for her convenient years, excellent beauty, and pureness of flesh and blood, would be apt, God willing, to conceive issue by his highness.'

[h] 28 Hen. VIII, c. 10.

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[a] Burnet, vol. i. p. 212. [b] Collier, vol. ii. p. 119. [c] Ibid. p. 122, et seq. Fuller. Burnet, vol. i. p. 215.

[d] A proposal had formerly been made in the convocation for the abolition of the lesser monasteries; and had been much opposed by bishop Fisher, who was then alive. He told his brethren that this was fairly shewing the king the way how he might come at the greater monasteries. 'An axe,' said he, 'which wanted a handle, came upon a time into the wood, making his moan to the great trees, that he wanted a handle to work withal, and for that cause he was constrained to sit idle; therefore he made it his request to them that they would be pleased to grant him one of their small saplings within the wood to make him a handle; who, mistrusting no guile, granted him one of their smaller trees to make him a handle. But now becoming a complete axe, he fell so to work within the same wood, that in process of time there was neither great nor small trees to be found in the place where the wood stood. And so, my lords, if you grant the king these smaller monasteries, you do but make him a handle, whereby, at his own pleasure, he may cut down all the cedars within your Lebanons.' Dr. Bailie's Life of bishop Fisher, p. 103.

[e] Strype, vol. i. p. 249. [f] Burnet, vol. i. p. 223. [g] Ibid. p. 227. Herbert. [h] Herbert, p. 410. [i] Fox, vol. ii. p. 992. [k] Stowe, p. 574. Baker, p. 258. [l] Herbert, p. 428. [m] Strype, vol. ii. p. 5. [n] Collier, vol. ii. p. 145. From the Cott. Lib. Cleopatra, E. 5.

[o] Burnet, vol. i. p. 328. [p] Herbert, p. 431, 432. Stowe, p. 575. [q] Goodwin's Annals. Stowe, p. 575. Herbert. Baker, p. 286.

[r] Burnet, vol. i. p. 244. [s] Lord Herbert. Camden. Speed.

[t] There is a curious passage with regard to the suppression of monasteries to be found in Coke's Institutes, 4th inst. chap. i. p. 44. It is worth transcribing, as it shews the ideas of the English government, entertained during the reign of Henry VIII, and even in the time of sir Edward Coke, when he wrote his Institutes. It clearly appears that the people had then little notion of being jealous of their liberties, were desirous of making the crown quite independent, and wished only to remove from themselves, as much as possible, the burthens of government. A large standing army, and a fixed revenue, would on these conditions have been regarded as great blessings: and it was owing entirely to the prodigality of Henry, and to his little suspicion that the power of the crown could ever fail, that the English owe all their present liberty. The title of the chapter in Coke is, Advice concerning new and plausible Projects and Offers in Parliament. 'When any plausible project,' says he, 'is made in parliament, to draw the lords and commons to assent to any act (especially in matters of weight and importance), if both houses do give upon the matter projected and promised their consent, it shall be most necessary, they being trusted for the commonwealth, to have the matter projected and promised (which moved the houses to consent) to be established in the same act, lest the benefit of the act be taken, and the matter projected and promised never performed, and so the houses of parliament perform not the trust reposed in them, as it fell out (taking one example for many) in the reign of Henry the Eighth: on the king's behalf, the members of both houses were informed in parliament, that no king or kingdom was safe but where the king had three abilities: 1. To live of his own, and able to defend his kingdom upon any sudden invasion or insurrection. 2. To aid his confederates, otherwise they would never assist him. 3. To reward his well-deserving servants. Now the project was, that if the parliament would give unto him all the abbies, priories, friaries, nunneries, and other monasteries, that for ever in time then to come, he

would take order that the same should not be converted to private uses; but first, that his exchequer for the purposes aforesaid should be enriched; secondly, the kingdom strengthened by a continual maintenance of forty thousand well trained soldiers, with skilful captains and commanders; thirdly, for the benefit and ease of the subject, who never afterwards (as was projected), in any time to come, should be charged with subsidies, fifteenths, loans, or other common aids; fourthly, lest the honour of the realm should receive any diminution of honour by the dissolution of the said monasteries, there being twenty-nine lords of parliament of the abbots and priors (that held of the king per baronium, whereof more in the next leaf), that the king would create a number of nobles, which we omit. The said monasteries were given to the king by authority of divers acts of parliament, but no provision was therein made for the said project, or any part thereof.'

[s] Coke's 4th Inst. fol. 44. [t] Dugdale's Warwickshire, p. 800. [u] Fuller. [x] Burnet, vol. i. p. 237.

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[a] Goodwin's Annals. [b] Herbert. [c] Herbert in Kennet, p. 216. [d] Fox, vol. ii. p. 396. [e] Ibid. p. 426. [f] Goodwin's Annals.

[g] Collier, in his Ecclesiastical History, vol. ii. p. 152, has preserved an account which Cromwell gave of this conference, in a letter to sir Thomas Wyat, the king's ambassador in Germany. 'The king's majesty,' says Cromwell, 'for the reverence of the holy sacrament of the altar, did sit openly in his hall, and there presided at the disputation, process, and judgment, of a miserable heretic sacramentary, who was burned the twentieth of November. It was a wonder to see how princely, with how excellent gravity and inestimable majesty his highness exercised there the very office of supreme head of the church of England: how benignly his grace essayed to convert the miserable man; how strong and manifest reasons his highness alleged against him. I wish the princes and potentates of Christendom to have had a meet place to have seen it. Undoubtedly they should have much marvelled at his majesty's most high wisdom and judgment, and reputed him no otherwise after the same, than in a manner the mirror and light of all other kings and princes in Christendom.' It was by such flatteries that Henry was engaged to make his sentiments the standard to all mankind; and was determined to enforce, by the severest penalties, his strong and manifest reasons for transubstantiation.

[h] Fox's Acts and Monum. p. 427. *Burnet.* [i] Stowe, p. 556. [k] 31 Hen. VIII, c. 14. Herbert in Kennet, p. 219.

[l] There is a story, that the duke of Norfolk, meeting, soon after this act was passed, one of his chaplains, who was suspected of favouring the reformation, said to him, 'Now, sir, what think you of the law to hinder priests from having wives?' 'Yes, my lord,' replies the chaplain, 'you have done that; but I will answer for it you cannot hinder men's wives from having priests.'

[m] Burnet, vol. i. p. 249, 270. Fox, vol. ii. p. 1037. [n] Herbert in Kennet, p. 219. [o] 31 Hen. VIII, c. 8. [p] Coke's 4th Inst. p. 37, 38. [q] Rymer, vol. xiv. p. 652. [r] Collier, vol. ii. p. 158, et seq. [s] 31 Hen. VIII, c. 10. [t] Ibid. c. 13. [u] Le Grand, vol. iii. p. 638. [x] Stowe, p. 579. [y] Burnet, vol. i. p. 278. [z] Ibid. p. 281, 282.

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[a] Burnet, vol. i. p. 172.

[b] To shew how much Henry sported with law and common sense; how servilely the parliament followed all his caprices; and how much both of them were lost to all sense of shame; an act was passed this session, declaring that a pre-contract should be no ground for annulling a marriage; as if that pretext had not been made use of both in the case of Anne Boleyn and Anne of Cleves. But the king's intention in this law is said to be a design of restoring the princess Elizabeth to her right of legitimacy; and it was his character never to look farther than the present object, without regarding the inconsistency of his conduct. The parliament made it high treason to deny the dissolution of Henry's marriage with Anne of Cleves. Herbert.

[c] Herbert, p. 458, 459. [d] Pere Daniel. Du Tillet. [e] Burnet, vol. i. p. 298. Fox. [f] Fox, vol. ii. p. 529. [g] Saunders, de Schism. Angl. [h] Herbert, p. 468. [i] Spotswood's Hist. of the Church of Scotland, p. 62. [k] Ibid. p. 65. [l] Buchanan, lib. 14. Drummond in Ja. V. Pitscotie, ibid. Knox.

[m] Henry had sent some books, richly ornamented, to his nephew, who, as soon as he saw by the titles that they had a tendency to defend the new doctrines, threw them into the fire, in the presence of the person who brought them:

adding, it was better he should destroy them than they him. See Epist. Regin. Pole, part 1, p. 172.

[a] Burnet, vol. i. p. 314.

[o] It was enacted by this parliament, that there should be trial of treason in any county where the king should appoint by commission. The statutes of treason had been extremely multiplied in this reign; and such an expedient saved trouble and charges in trying that crime. The same parliament erected Ireland into a kingdom; and Henry henceforth annexed the title of king of Ireland to his other titles. This session the commons first began the practice of freeing any of their members who were arrested, by a writ issued by the speaker. Formerly it was usual for them to apply for a writ from chancery to that purpose. This precedent increased the authority of the commons, and had afterwards important consequences. Holingshed, p. 955, 956. Baker, p. 289.

[p] Collier, vol. ii. p. 190. [q] Burnet, vol. i. p. 315. [r] Which met on the twenty-second of January 1543.

[s] 33 Hen. VIII, c. 1. The reading of the Bible, however, could not at that time have much effect in England, where so few persons had learned to read. There were but five hundred copies printed of this first authorised edition of the Bible; a book of which there are now several millions of copies in the kingdom.

[t] Parliamentary History, vol. iii. p. 113.

[u] Burnet, vol. i. p. 318. [x] Buchanan, lib. 14. Drummond in James the Fifth.

[y] Buchanan, lib. 14. [z] Ibid.

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[a] The persecutions exercised during James's reign are not to be ascribed to his bigotry, a vice of which he seems to have been as free as Francis the First, or the emperor Charles, both of whom, as well as James, shewed, in different periods of their lives, even an inclination to the new doctrines. The extremities to which all these princes were carried, proceeded entirely from the situation of affairs during that age, which rendered it impossible for them to act with greater temper or moderation, after they had embraced the resolution of supporting the ancient establishments. So violent was the propensity of the times towards innovation, that a bare toleration of the new preachers was equivalent to a formed design of changing the national religion.

[b] Stowe, p. 584. Herbert. Burnet. Buchanan. [c] Sadler's Letters, p. 161. Spotswood, p. 71. Buchanan, lib. 15. [d] John Knox, History of the Reformation. [e] Sir Ralph Sadler's Letters. [f] Buchanan, lib. 15. [g] Ibid. [h] Ibid. Drummond. [i] Pere Daniel. [k] Rymer, vol. xiv. p. 768. vol. xv. p. 2.

[l] They who were worth in goods twenty shillings and upwards to five pounds, paid four pence of every pound; from five pounds to ten pounds, eight pence; from ten pounds to twenty pounds, sixteen pence; from twenty and upwards, two shillings. Lands, fees, and annuities, from twenty shillings to five pounds, paid eight pence in the pound; from five pounds to ten pounds, sixteen pence; from ten pounds to twenty pounds, two shillings; from twenty pounds and upwards, three shillings.

[m] Collier, vol. ii. p. 176. [n] Burnet, p. 322. [o] 34 and 35 Hen. VIII, c. 1. [p] Memoires du Bellay, lib. 10. [q] 35 Hen. VIII, c. 12. [r] Ibid. c. 1. [s] Herbert. Stowe, p. 588. Baker, p. 292. [t] Goodwin's Annals. Stowe, p. 508. [u] Rymer, vol. xv. p. 28, 29. [x] Herbert. Burnet. [y] Buchanan, lib. 15. Drummond. [z] Beleair. Memoires du Bellay.

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[a] Those who possessed goods or money above five pounds and below ten, were to pay eight pence a pound: those above ten pounds, a shilling.

[b] A chauntry was a little church, chapel, or particular altar in some cathedral church, &c. endowed with lands or other revenues for the maintenance of one or more priests, daily to say mass, or perform divine service for the use of the founders, or such others as they appointed: free chapels were independent on any church, and endowed for much the same purpose as the former. Jacob's Law Dict.

[c] 37 Hen. VIII, c. 17. [d] Hall, fol. 261. Herbert, p. 534. [e] Herbert. Stowe. [f] Coke's Inst. cap. 99. [g] Burnet, vol. i. p. 343, 344. Antiq. Brit. in vitâ Cranm. [h] Bale. Speed, p. 780.

[i] Fox, vol. ii. p. 578. Speed, p. 780. Baker, p. 299. But Burnet questions the truth of this circumstance: Fox, however, transcribes her own paper, where she relates it. I must add, in justice to the king, that he disapproved of Wriothesely's conduct, and commended the lieutenant.

[k] Burnet, vol. i. p. 344. Herbert, p. 560. Speed, p. 780. Fox's Acts and Monuments, vol. ii. p. 58. [l] Burnet, vol. i. p. 348. Fox.

[m] Lanquet's Epitome of Chronicles in the year 1541.

[n] See his will in Fuller, Heylin, and Rymer, p. 110. There is no reasonable ground to suspect its authenticity.

[o] Strype, vol. i. p. 389. [p] Le Thou.

[q] 28 Hen. VIII, c. 7. [r] 34, 35 Hen. VIII, c. 1. [s] 23 Hen. VIII, c. 1. [t] 26 Hen. VIII, c. 13. [u] 32 Hen. VIII. c. 12. [x] 22 Hen. VIII, c. 14. [y] 3 Hen. VIII, c. 3. [z] Ibid.

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[a] 3 Hen. VIII, c. 3. [b] Ibid. c. 13. [c] Herbert. [d] Hall, fol. 234. Stowe, p. 515. Holingshed, p. 947. [e] Hall, fol. 235. Holingshed, p. 547. Stowe, p. 577. [f] Hall, fol. 68. [g] 14 and 15 Hen. VIII, c. 15. [h] 34 and 35 Hen. VIII, c. 5. [i] 4 Hen. VIII, c. 8. [k] 6 Hen. VIII, c. 14. [l] 34 Hen. VIII.

[m] Hall, fol. 174. [n] Anderson, vol. i. p. 338. [o] Stowe, p. 505. Holingshed, p. 840. [p] Le Grand, vol. iii. p. 232. [q] 21 Hen. VIII. [r] Ibid. [s] 22 Hen. VIII, c. 8. [t] 3 Hen. VIII, c. 15. [u] Ibid. c. 8. [x] Hall, fol. 110. [y] 6 Hen. VIII, c. 3. [z] 1 Hen. VIII, c. 14. 6 Hen. VIII, c. 1. 7 Hen. VIII, c. 7.

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[a] 25 Hen. VIII, c. 2. [b] 24 Hen. VIII, c. 3. [c] 33 Hen. VIII, c. 11. [d] Strype, vol. i. p. 392. [e] 6 Hen. VIII, c. 5. 7 Hen. VIII, c. 1. [f] 25 Hen. VIII, c. 13. [g] Ibid. [h] Anderson, vol. i. p. 374. [i] 22 Hen. VIII, c. 12. Ibid. c. 5. [k] 21 Hen. VIII, c. 12. 25 Hen. VIII, c. 18. 3 and 4 Edw. VI, c. 20. 5 and 6 Edw. VI. c. 24. [l] 3 and 4 Edw. VI, c. 20. [m] Strype, vol. i. p. 117. [n] Wood's Hist. et Antiq. Oxon. lib. 1. p. 245. [o] Ibid. p. 249. [p] Epist. ad Banisium. Also Epist. p. 368.

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NOTES

TO

THE THIRD VOLUME.

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[a] Strype's Memor. vol. ii. p. 457. [b] Burnet, vol. ii. p. 5. [c] Heylin, Hist. Ref. Edw. VI. [d] Collier, vol. ii. p. 218. Burnet, vol. ii. p. 6. Strype's Mem. of Cranm. p. 141. [e] Strype's Mem. of Cranm. p. 141. [f] Fuller, Heylin, and Rymer. [g] Stowe's Annals, p. 594. [h] Holingshed, p. 979. [i] Burnet, vol. ii. Records, N° 6. [k] Goodwin's Annals. Heylin. [l] Fox, vol. ii. p. 712. [m] Ibid. p. 724. [n] Collier, vol. ii. p. 228. Fox, vol. ii. [o] Mem. Cranm. p. 146, 147, &c. [p] Burnet, vol. ii. p. 28. [q] Collier, vol. ii. p. 228. ex MS. Col. C. C. Cantab. Bibliotheca Britannica, art. Gardiner. [r] Fox, vol. ii. [s] Father Paul, lib. 2. [t] Sleidan. [u] Pere Daniel.

[x] Spotswood, p. 75. The same author, p. 92, tells us a story which confirms this character of the popish clergy in Scotland. It became a great dispute in the university of St. Andrews, whether the pater should be said to God or the saints. The friars, who knew in general that the reformers neglected the saints, were determined to maintain their honour with great obstinacy, but they knew not upon what topics to found their doctrine. Some held that the pater was said to God formaliter, and to saints materialiter; others, to God principaliter, and to saints minus principaliter; others would have it ultimate and non ultimate: but the majority seemed to hold, that the pater was said to God capiendo stricte, and to saints capiendo large. A simple fellow who served the sub-prior, thinking there was some great matter in hand that made the doctors hold so many conferences together, asked him one day what the matter was? the sub-prior answering, 'Tom,' that was the fellow's name, 'we cannot agree to whom the pater-noster should be said;' he suddenly replied, 'To whom, sir, should it be said, but unto God?' Then said the sub-prior, 'What shall we do with the saints?' He answered, 'Give them aves and creeds enow in the devil's name; for that may suffice them.' The answer going abroad, many said 'that he had given a wiser decision than all the doctors had done with all their distinctions.'

[y] Knox's Hist. of Ref. p. 44. Spotswood. [z] Spotswood. Buchanan.

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[a] The famous Scotch reformer, John Knox, calls James Melvil, p. 65, a man most gentle and most modest. It is very horrid, but at the same time somewhat amusing, to consider the joy and alacrity and pleasure which that historian discovers in his narrative of this assassination: and it is remarkable that, in the first edition of his work, these words were printed on the margin of the page, 'The godly fact and words of James Melvil.' But the following editors retrenched them. Knox himself had no hand in the murder of Beaton; but he afterwards joined the assassins, and assisted them in holding out the castle. See Keith's Hist. of the Ref. of Scotland, p. 43.

[b] Sir John Haywood in Kennet, p. 279. Heylin, p. 42. [c] Haywood. Patten. [d] Holingshed, p. 985. [e] Patten. Holingshed, p. 986. [f] Holingshed, p. 992. [g] Rymer, vol. xv. p. 164. [h] 1 Edw. VI, c. 12. [i] Ibid. c. 2. [k] Ibid. [l] Heylin, p. 48. [m] Antiq. Britan. p. 339. [n] Burnet, vol. ii. p. 59. Collier, vol. ii. p. 241. Heylin, p. 55. [o] Burnet, vol. ii. [p] Ibid. p. 60. Collier, vol. ii. p. 241. Heylin, p. 55. [q] Burnet, vol. ii. [r] Fuller. Heylin. Burnet. [s] Beagué, Hist. of the Campagnes 1548 and 1549, p. 6. [t] Holingshed, p. 993. [u] Heylin, p. 46. Patten. [x] Burnet, vol. ii. p. 83. Buchanan, lib. 15. Keith, p. 55. Thuanus, lib. 5. c. 15. [y] Thuanus, lib. 5. c. 15. [z] Stowe, p. 595. Holingshed, p. 994.

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[a] Hayward, p. 291. [b] Ibid. p. 301. Heylin, p. 72. Camden. Thuanus, lib. 6. c. 5.

Haynes, p. 69. [c] Ibid. p. 82, 90. [d] Ibid. p. 75. [e] Ibid. p. 95, 96, 102, 108. [f] Ibid. p. 105, 106. [g] Burnet, vol. ii. col. 31. 2 and 3 Edw. VI, c. 18. [h] 2 and 3 Edw. VI, c. 18. [i] Burnet, vol. ii. p. 99. [k] 2 and 3 Edw. VI, c. 1. [l] Ibid. c. 21. [m] Ibid. c. 19.

Another act passed this session takes notice, in the preamble, that the city of York, formerly well inhabited, was now much decayed; insomuch that many of the cures could not afford a competent maintenance to the incumbents. To remedy this inconvenience, the magistrates were empowered to unite as many parishes as they thought proper. An ecclesiastical historian, Collier, vol. ii. p. 230, thinks that this decay of York is chiefly to be ascribed to the dissolution of monasteries, by which the revenues fell into the hands of persons who lived at a distance.

A very grievous tax was imposed this session upon the whole stock and monied interest of the kingdom, and even upon its industry. It was a shilling in the pound yearly, during three years, on every person worth ten pounds or upwards: the double on aliens and denizens. These last, if above twelve years of age, and if worth less than twenty shillings, were to pay eight pence yearly. Every wether was to pay two pence yearly; every ewe three pence. The woollen manufacturers were to pay eight pence a pound on the value of all the cloth they made. These exorbitant taxes on money are a proof that few people lived on money lent at interest: for this tax amounts to half of the yearly income of all money holders, during three years, estimating their interest at the rate allowed by law; and was too grievous to be born, if many persons had been affected by it. It is remarkable that no tax at all was laid upon land this session. The profits of merchandise were commonly so high, that it was supposed it could bear this imposition. The most absurd part of the laws seems to be the tax upon the woollen manufactures. See 2 and 3 Edw. VI, cap. 36. The subsequent parliament repealed the tax on sheep and woollen cloth. 3 and 4 Edw. VI, cap. 23. But they continued the other tax a year longer. Ibid.

The clergy taxed themselves at six shillings in the pound, to be paid in three years. This taxation was ratified in parliament, which had been the common practice since the reformation; implying that the clergy have no legislative power, even over themselves. See 2 and 3 Edw. VI, cap. 35.

[n] Burnet, vol. ii. p. 104. [o] Ibid. p. 3. Rymer, tom. xv. p. 181. [p] Burnet, vol. ii. coll. 35. Strype's Mem. of Cranmer, p. 181. [q] Burnet, vol. ii. p. 112. Strype's Mem. of Cranm. p. 181. [r] Heylin, p. 102. [s] Strype, vol. ii. Repository Q. [t] Burnet, vol. ii. p. 115. Strype, vol. ii. p. 171. [u] Hayward, p. 292. Holingshed, p. 1003. Fox, vol. ii. p. 666. Mem. Cranm. p. 186. [x] Stowe's Annals, p. 597. Hayward, p. 295. [y] Hayward, p. 295, 296. [z] Heylin, p. 76. Holingshed, p. 1026.

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[a] Stowe, p. 597. Holingshed, p. 1030—34. Strype, vol. ii. p. 174. [b] Hayward, p. 297, 298, 299. [c] Thuanus, lib. 6. c. 6. [d] Hayward, p. 300. [e] Thuan. King Edward's Journal. Stowe, p. 597. [f] Burnet, vol. ii. p. 132, 175. [g] Idem, p. 133. [h] Strype, vol. ii. p. 181. [i] Ibid. p. 183. [k] Heylin, p. 72, 73. Stowe's Survey of London. Hayward, p. 303. [l] Stowe, p. 597, 598. Holingshed, p. 1057. [m] Stowe, p. 600. [n] Burnet, vol. ii. book 1. coll. 46. Hayward, p. 308. Stowe, p. 601. Holingshed, p. 1059. [o] Heylin, p. 85. Rymer, tom. xv. p. 226. [p] Heylin, p. 84. Hayward, p. 309. Stowe, p. 603. [q] Hayward, p. 309. [r] 3 and 4 Edw. VI, c. 5. [s] Ibid. c. 2. [t] Ibid. c. 13. [u] Burnet, vol. ii. p. 148. Hayward, p. 310, 311, 312. Rymer, vol. xv. p. 211. [x] Hayward, p. 318. Heylin, p. 104. Rymer, vol. xv. p. 293. [y] Heylin, p. 99. [z] Collier, vol. ii. p. 305, from the council books. Heylin, p. 99.

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[a] Fox, vol. ii. p. 734, et seq. Burnet. Heylin. Collier. [b] Goodwin de Præsul. Angl. Heylin, p. 100. [c] Collier, vol. ii. p. 307, from the council books. [d] Wood, Hist. et Antiq. Oxon. lib. 1. p. 271, 272. [e] Strype, vol. ii. p. 249. [f] Fox, vol. ii. Collier. Burnet. [g] Hayward, p. 315. [h] Mem. Cramm. p. 234. [i] Ibid. p. 289. [k] Art. xviii. [l] Hayward, p. 326. Heylin, p. 108. Strype's Mem. vol. ii. p. 295. [m] Heylin, p. 109. [n] Ibid. p. 112. [o] Hayward, p. 320, 321, 322. Stowe, p. 606. Holingshed, p. 1067. [p] Hayward, p. 324, 325. [q] Stowe, p. 608. [r] 5 and 6 Edw. VI, c. 1. [s] Ibid. c. 20. [t] Hayward, p. 318. [u] Parliamentary Hist. vol. iii. p. 258. Burnet, vol. ii. p. 190. [x] 5 and 6 Ed. VI, c. 2. [y] Ibid. [z] Ibid. c. 3.

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[a] Burnet, vol. ii. p. 202. [b] Strype's Eccles. Mem. vol. ii. p. 394. [c] 7 Edw. VI, cap. 12. [d] Heylin, p. 95, 132. [e] Strype's Eccles. Memorials, vol. ii. p. 344. [f] Heylin, p. 199. Stowe, p. 609. [g] Fuller, book 8. p. 2. [h] Cranm. Mem. p. 295. [i] Sleidan, lib. 25. [k] Heylin, p. 154. [l] Burnet, vol. ii. p. 233. [m] Fox, vol. iii. p. 14. [n] Thuanus, lib. 13. c. 10. [o] Godwin in Kennet, p. 329. Heylin, p. 149. Burnet, vol. ii. p. 234. [p] Ascham's Works, p. 222, 223. [q] Heylin, p. 160. Burnet, vol. ii. p. 237. [r] Godwin, p. 330. Heylin, p. 159. Burnet, vol. ii. p. 239. Fox, vol. iii. p. 15. [s] Heylin, p. 161. Baker, p. 315. Holingshed, p. 1086. [t] Speed, p. 816. [u] Godwin, p. 331. [x] Godwin, p. 331, 332. Thuanus, lib. 13. [y] Godwin, p. 332. Thuanus, lib. 13. c. 2. [z] Stowe, p. 612.

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[a] Burnet, vol. ii. p. 240. Heylin, p. 19. Stowe, p. 613. [b] Burnet, vol. ii. p. 239. Stowe, p. 612. Baker, p. 315. Holingshed, p. 1088. [c] Burnet, vol. ii. p. 243. Heylin, p. 18. Baker, p. 316. Holingshed, p. 1089. [d] Heylin, p. 19. Burnet, vol. iii. p. 243. Stowe, p. 614. [e] Heylin, p. 20. Stowe, p. 613. Holingshed, p. 1088. [f] Depeches de Noailles, vol. ii. p. 246, 247. [g] Stowe, p. 616. [h] Fox, vol. iii. p. 94. Heylin, p. 25. Godwin, p. 336. Burnet, vol. ii. Col. N° 8. Cranm. Mem. p. 305. Thuanus, lib. 13. c. 3. [i] Heylin, p. 26. Godwin, p. 336. Cranm. Mem. p. 317. [k] Heylin, p. 26. [l] Saunders de Schism. Anglic.

[m] Beale. But Fox, who lived at the time, and is very minute in his narratives, says nothing of the matter. See vol. iii. p. 16.

[n] Fox, vol. iii. p. 19. [o] Burnet, vol. ii. p. 252.

[p] Mariæ, sess. 1. c. 1. By this repeal, though it was in general popular, the clause of 5 and 6 Edw. VI, c. 11, was lost, which required the confronting of two witnesses, in order to prove any treason.

[q] Mariæ, sess. 2. c. 1. [r] 1 Mariæ, sess. 2. c. 1. [s] Thuan. lib. 2. c. 3. [t] Depeches de Noailles, vol. ii. p. 147, 163, 214, 215. vol. iii. p. 27. [u] Godwin, p. 339. [x] Dep. de Noailles, vol. ii. passim. [y] Heylin, p. 31. Burnet, vol. ii. p. 255. [z] Father Paul, book 3.

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[a] Heylin, p. 31. [b] Burnet, vol. ii. p. 258. [c] Thuanus, lib. 4. c. 17. [d] Burnet, vol. ii. p. 261. [e] Collier, vol. ii. p. 356. Fox, vol. iii. p. 22. [f] Mem. Cranm. p. 354. Heylin, p. 50. [g] Harmer, p. 138. [h] Collier, vol. ii. p. 364. Fox, vol. iii. p. 38. Heylin, p. 35. Sleidan, lib. 25. [i] Rymer, vol. xv. p. 377. [k] Depeches de Noailles, vol. ii. p. 299. [l] Heylin, p. 32. Burnet, vol. ii. p. 268. Godwin, p. 339. [m] Depeches de Noailles, vol. ii. p. 249. vol. iii. p. 17, 58. [n] Heylin, p. 33. Godwin, p. 340. [o] Fox, vol. iii. p. 30. [p] Heylin, p. 33. Godwin, p. 341. Stowe, p. 619. Baker, p. 318. Holingshed, p. 1094. [q] Fox, vol. iii. p. 31. Heylin, p. 34. Burnet, vol. ii. p. 270. Stowe, p. 621. [r] Depeches de Noailles, vol. iii. p. 124. [s] Ibid. vol. ii. p. 273, 288. [t] Ibid. p. 283. [u] Godwin, p. 343. Burnet, vol. ii. p. 273. Fox, vol. iii. p. 99, 105. Strype's Mem. vol. iii. p. 85. [x] Depeches de Noailles, vol. iii. p. 226. [y] Fox, vol. iii. p. 35. Heylin, p. 166. [z] Heylin, p. 167. Baker, p. 319.

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[a] Heylin, p. 167. [b] Ibid. Fox, vol. iii. p. 36, 37. Holingshed, p. 1099. [c] Fox, vol. iii. p. 99. Stowe, p. 624. Baker, p. 320. Holingshed, p. 1104, 1121. Strype, vol. iii. p. 120. Depeches de Noailles, vol. iii. p. 173. [d] Dep. de Noailles, vol. iii. p. 98. [e] Ibid. [f] 1 Mar. parl. 2. cap. 2. [g] Ibid. cap. 1. [h] Ibid. cap. 3. [i] Strype, vol. iii. p. 125. [k] Dep. de Noailles, vol. iii. p. 248. [l] Ibid. p. 220. [m] Ibid. p. 222, 252, 253.

[n] Fox, vol. iii. p. 99. Heylin, p. 39. Burnet, vol. iii. p. 392. Godwin, p. 345. We are told by sir William Monson, p. 225, that the admiral of England fired at the Spanish navy, when Philip was on board, because they had not lowered their topsails, as a mark of deference to the English navy in the narrow seas: a very spirited behaviour, and very unlike those times.

[o] Baker, p. 320. [p] Mem. of Cranm. p. 344. Strype's Eccles. Mem. vol. iii. p. 154, 155. [q] Burnet, vol. ii. p. 291. Strype, vol. iii. p. 155. [r] Fox, vol. iii. p. 3. Heylin, p. 42. Burnet, vol. ii. p. 293. Godwin, p. 347. [s] Father Paul, lib. 4. [t] Heylin, p. 41. [u] 1 and 2 Phil. and Mar. c. 8. [x] Heylin, p. 43. 1 and 2 Phil. and Mar. c. 8. Strype, vol. iii. p. 159.

[r] The pope at first gave cardinal Pole powers to transact only with regard to the past fruits of the church lands; but being admonished of the danger attending any attempt towards a resumption of the lands, he enlarged the cardinal's powers, and granted him authority to ensure the future possession of the church lands to the present proprietors. There was only one clause in the cardinal's powers that has given occasion for some speculation. An exception was made of such cases as Pole should think important enough to merit the being communicated to the holy see. But Pole simply ratified the possession of all the church lands; and his commission had given him full powers to that purpose. See Harleyan Miscellany, vol. vii. p. 264, 266. It is true some councils have declared that it exceeds even the power of the pope to alienate any church lands; and the pope, according to his convenience, or power, may either adhere to or recede from this declaration. But every year gave solidity to the right of the proprietors of church lands, and diminished the authority of the popes; so that men's dread of popery in subsequent times was more founded on party or religious zeal than on very solid reasons.

[s] 1 and 2 Phil. and Mar. c. 6.

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[a] 1 and 2 Phil. and Mar. c. 3, 9, 10. [b] Godwin, p. 348. Baker, p. 322. [c] Heylin, p. 39. Burnet, vol. ii. p. 287. Stowe, p. 626. Depeches de Noailles, vol. iv. p. 146, 147.

[d] Heylin, p. 40. Godwin, p. 349. [e] Dep. de Noailles, vol. iv. p. 25. [f] Burnet, vol. ii. p. 292. Godwin, p. 348. [g] Heylin, p. 46.

[h] Coke's Institutes, part 4, p. 17. Strype's Memor. vol. i. p. 165. [i] Vol. v. p. 296.

[k] Heylin, p. 47.

[l] Burnet, vol. ii. Heylin, p. 47. It is not likely, however, that Charles gave any such advice: for he himself was at this very time proceeding with great violence in persecuting the reformed in Flanders. Bentivoglio, part 1, lib. 1.

[m] Fox, vol. iii. p. 119. Burnet, vol. ii. p. 302.

[n] Fox, vol. iii. p. 145, &c. Burnet, vol. ii. p. 302. Heylin, p. 48, 49. Godwin, p. 349.

[o] Strype, vol. iii. p. 261, and Coll. N° 58.

[p] Heylin, p. 47, 48. [q] Fox, vol. iii. p. 187.

[r] Ibid. p. 216. [s] Burnet, vol. ii. p. 318. Heylin, p. 52. [t] Fox, vol. iii. p. 265.

[u] Ibid. p. 747. Heylin, p. 57. Burnet, vol. ii. p. 337. [x] Burnet, vol. ii. p. 306. [y] Heylin, p. 56. [z] Burnet, vol. ii. coll. 32.

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[a] Burnet, vol. iii. p. 243. [b] *Ibid.* p. 246, 247. [c] Ibid. vol. ii. p. 363. Heylin, p. 79.

[d] Father Paul, lib. 5. [e] Heylin, p. 45.

[f] Ibid. Father Paul, lib. 5. [g] Father Paul, lib. 5. [h] Ibid. Heylin, p. 45.

[i] Depeches de Noailles, vol. iv. p. 312.

[k] Heylin, p. 53, 65. Holingshed, p. 1127. Speed, p. 826. [l] Burnet, vol. ii. p. 322.

[m] 2 and 3 Phil. and Mar. cap. 4. [n] Dep. de Noailles, vol. v. p. 370, 562. [o] Godwin, p. 359. Cowper's Chronicle. Burnet, vol. ii. p. 359. Carte, p. 330, 333, 337, 341. Strype's Memor. vol. iii. p. 428, 558. Annals, vol. i. p. 15. [p] Thuan. lib. 16. c. 20. [q] Father Paul, lib. 5. [r] Mem. of Cranm. p. 375.

[s] Heylin, p. 55. Mem. p. 383. [t] Burnet, vol. ii. p. 331, 332, &c. Godwin, p. 352.

[u] Burnet, vol. ii. p. 324, 325. [x] Heylin, p. 68, 69. Burnet, vol. ii. p. 327. [y] Heylin, p. 72. Burnet, vol. ii. p. 351. Sir James Melvil's Memoirs. [z] Rossi, Successi d'Inghilterra.

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[a] Strype's Eccles. Memorials, vol. iii. p. 377.

[b] Thuan. lib. 20. cap. 2. [c] Buchanan, lib. 14. Keith, p. 56. Spotswood, p. 92.

[d] Keith, p. 59. [e] 12 April 1554. [f] Knox, p. 89. [g] Keith, p. 70. Buchanan, lib. 16.

[h] Buchanan, lib. 16. Thuan. lib. 19. c. 7.

[i] Knox, p. 93. [k] Burnet, vol. ii. Collect. N° 37.

[l] The common *net at that time*, says sir Richard Baker, for catching of protestants, was the real presence; and this net was used to catch the lady Elizabeth: for, being asked one time what she thought of the words of Christ, 'This is my body,' whether she thought it the true body of Christ that was in the sacrament? it is said that, after some pausing, she thus answered:

> Christ was the Word that spake it;
> He took the bread and brake it;
> And what the Word did make it,
> That I believe and take it.

Which, though it may seem but a slight expression, yet hath it more solidness than at first sight appears; at least, it served her turn at that time to escape the net, which by direct answer she could not have done. Baker's Chronicle, p. 320.

[m] Holingshed, p. 1150. [n] Burnet, vol. iii. p. 259. [o] Rymer, vol. xv. p. 364. [p] 1 Mar.

parl. 2. cap. 7. [5] Holingshed, p. 732. Heylin, p. 71. [6] 4 and 5 Phil. and Mar. cap. 2. [7] Nicholson's Historical Library. [8] Eras. Epist. 432.

"The passage of Holingshed, in the discourse prefixed to his history, and which some ascribe to Harrison, is as follows. Speaking of the increase of luxury: 'Neither do I speak this in reproach of any man, God is my judge; but to shew that I do rejoice rather to see how God has blessed us with his good gifts, and to behold how that in a time wherein all things are grown to most excessive prices, we do yet find the means to obtain and achieve such furniture as heretofore has been impossible: there are old men yet dwelling in the village where I remain, which have noted three things to be marvellously altered in England within their sound remembrance. One is, the multitude of chimnies lately erected; whereas, in their young days, there were not above two or three, if so many, in most uplandish towns of the realm (the religious houses and manor-places of their lords always excepted, and peradventure some great personage); but each made his fire against a reredosse in the hall where he dined and dressed his meat. The second is the great amendment of lodging: for, said they, our fathers, and we ourselves, have lain full oft upon straw pallettes covered only with a sheet under coverlets made of dagswaine or hopharlots (I use their own terms), and a good round log under their head instead of a bolster. If it were so, that the father or the good man of the house had a matrass or flock bed, and thereto a sack of chaff to rest his head upon, he thought himself to be as well lodged as the lord of the town; so well were they contented. Pillows, said they, were thought meet only for women in child-bed: as for servants, if they had any sheet above them, it was well; for seldom had they any under their bodies to keep them from the pricking straws that ran oft through the canvas, and rased their hardened hides. The third thing they tell of is the exchange of treene platers' (so called, I suppose, from tree or wood) 'into pewter, and wooden spoons into silver or tin. For so common were all sorts of treene vessels in old time, that a man should hardly find four pieces of pewter (of which one was peradventure a salt) in a good farmer's house.' Description of Britain, chap. 10. Again in chap. 16. 'In times past men were contented to dwell in houses builded of sallow, willow, &c. so that the use of the oak was in a manner dedicated wholly unto churches, religious houses, princes' palaces, navigation, &c. but now sallow, &c. are rejected, and nothing but oak any where regarded; and yet see the change; for when our houses were builded of willow, then had we oaken men; but now that our houses are come to be made of oak, our men are not only become willow, but a great many altogether of straw, which is a sore alteration. In these the courage of the owner was a sufficient defence to keep the house in safety; but now the assurance of the timber must defend the men from robbing. Now have we many chimnies; and yet our tenderlines complain of rheums, catarrhs, and poses: then had we none but reredosses, and our heads did never ache. For as the smoke in those days was supposed to be a sufficient hardening for the timber of the house, so it was reputed a far better medicine to keep the good man and his family from the quack or pose, wherewith, as then, very few were acquainted.' Again in chap. 18. 'Our pewterers in time past employed the use of pewter only upon dishes and pots, and a few other trifles for service; whereas now they are grown into such exquisite cunning, that they can in manner imitate by infusion any form or fashion of cup, dish, salt, or bowl or goblet, which is made by goldsmith's craft, though they be never so curious, and very artificially forged. In some places beyond the sea, a garnish of good flat English pewter (I say flat, because dishes and platters in my time begin to be made deep, and like basons, and are indeed more convenient both for sauce and keeping the meat warm) is almost esteemed so precious as the like number of vessels that are made of fine silver.' If the reader is curious to know the hours of meals in queen Elizabeth's reign, he may learn it from the same author. 'With us the nobility, gentry, and students, do ordinarily go to dinner at eleven before noon, and to supper at five, or between five and six, at afternoon. The merchants dine and sup seldom before twelve at noon and six at night, especially in London. The husbandmen dine also at high noon as they call it, and sup at seven or eight: but out of term in our universities the scholars dine at ten.'

Froissart mentions waiting on the duke of Lancaster at five o'clock in the afternoon, when he had supped. These hours are still more early. It is hard to tell why, all over the world, as the age becomes more luxurious, the hours become later. Is it the crowd of amusements

that push on the hours gradually? or are the people of fashion better pleased with the secresy and silence of nocturnal hours, when the industrious vulgar are all gone to rest? In rude ages, men have few amusements or occupations but what day-light affords them.

[t] 2 and 3 Phil. and Mary, cap. 8.

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[a] Burnet, vol. ii. p. 373. [b] Ibid. p. 374. [c] Ibid. Heylin, p. 102. [d] Camden in Kennet, p. 370. Burnet, vol. ii. p. 375. [e] Father Paul, lib. 5. [f] Strype's Ann. vol. i. p. 5. [g] Burnet, vol. ii. p. 377. Camden, p. 370. [h] Burnet, vol. ii. p. 378. Camden, p. 371. [i] Heylin, p. 103. [k] Ibid. p. 104. Strype, vol. i. p. 41. [l] Camden, p. 371. Heylin, p. 104. Strype, vol. i. p. 54. Stowe, p. 635. [m] Burnet, vol. ii. p. 380. Strype, vol. i. p. 29.

[n] Notwithstanding the bias of the nation towards the protestant sect, it appears that some violence, at least according to our present ideas, was used in these elections: five candidates were nominated by the court to each borough and three to each county; and, by the sheriff's authority, the members were chosen from among these candidates. See state papers collected by Edward earl of Clarendon, p. 92.

[o] 1 Eliz. cap. 3. [p] Camden, p. 372. Heylin, p. 107, 108. [q] 1 Eliz. cap. 1. This last power was anew recognized in the act of uniformity, 1 Eliz. cap. 2. [r] 1 Eliz. c. 2. [s] Strype, vol. i. p. 79. [t] Ibid. p. 95. [u] 1 Eliz. cap. 2.

[w] The parliament also granted the queen the duties of tonnage and poundage; but this concession was at that time regarded only as a matter of form, and she had levied these duties before they were voted by parliament. But there was another exertion of power which she practised, and which people, in the present age, from their ignorance of ancient practices, may be apt to think a little extraordinary. Her sister, after the commencement of the war with France, had, from her own authority, imposed four marks on each tun of wine imported, and had increased the poundage a third on all commodities. Queen Elizabeth continued these impositions as long as she thought convenient. The parliament, who had so good an opportunity of restraining these arbitrary taxes, when they voted the tonnage and poundage, thought not proper to make any mention of them. They knew that the sovereign, during that age, pretended to have the sole regulation of foreign trade, and that their intermeddling with that prerogative would have drawn on them the severest reproof, if not chastisement. See Forbes, vol. i. p. 132, 133. We know certainly, from the statutes and journals, that no such impositions were granted by parliament.

[x] Camden, p. 375. Sir Simon d'Ewes.

[y] It is thought remarkable by Camden, that though this session was the first of the reign, no person was attainted; but, on the contrary, some restored in blood by the parliament: a good symptom of the lenity, at least of the prudence, of the queen's government; and that it should appear remarkable, is a proof of the rigour of preceding reigns.

[z] Camden, p. 376. Heylin, p. 115. Strype, vol. i. p. 73, with some small variations.

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[a] Heylin, p. 111. [b] Burnet, vol. ii. p. 376, 397. Camden, p. 371. [c] Camden, p. 378. Strype, vol. i. p. 150, 370. [d] Forbes's Full View, vol. i. p. 59. [e] Ibid. p. 54. [f] Ibid. p. 68. Rymer, tom. xv. p. 505. [g] Keith, p. 66. Knox, p. 101. [h] The reformers used at that time king Edward's liturgy in Scotland. Forbes, p. 155. [i] Keith, p. 66. Knox, p. 101. [k] Knox, p. 122. [l] Ibid. p. 121. [m] Ibid. p. 123. [n] Keith, p. 78, 81, 82. [o] Melvil's Memoirs, p. 24. Jebb, vol. ii. p. 446.

[p] Knox, p. 127. We shall suggest afterwards some reasons to suspect that perhaps no express promise was ever given. Calumnies easily arise during times of faction, especially those of the religious kind, when men think every art lawful for promoting their purpose. The congregation in their manifesto, in which they enumerate all the articles of the regent's maladministration, do not reproach her with this breach of promise. It was probably nothing but a rumour spread abroad to catch the populace. If the papists have sometimes maintained that no faith was to be kept with heretics, their adversaries seem also to have thought that no truth ought to be told of idolaters.

[q] Spotswood, p. 121. Knox, p. 127. [r] Knox, p. 129. [s] Ibid. p. 131. [t] Ibid. p. 133. [u] A contemptuous term for a priest. [w] Keith, p. 85, 86, 87. Knox, p. 134. [x] Knox, p. 139. [y] Ibid. Spotswood, p. 123. [z] Spotswood, p. 146. Melvil, p. 29. Knox, p. 225, 228. Lesly, lib. 10. That there was really no violation of the capitulation of Perth appears from the manifesto of the congregation

in Knox, p. 184, in which it is not so much as pretended. The companies of Scotch soldiers were probably in Scotch pay, since the congregation complains that the country was oppressed with taxes to maintain armies. Knox, p. 164, 165. And even if they had been in French pay, it had been no breach of the capitulation, since they were national troops, not French. Knox does not say, p. 139, that any of the inhabitants of Perth were tried or punished for their past offences, but only that they were oppressed with the quartering of soldiers; and the congregation, in their manifesto, say only that many of them had fled for fear. This plain detection of the calumny, with regard to the breach of the capitulation of Perth, may make us suspect a like calumny with regard to the pretended promise not to give sentence against the ministers. The affair lay altogether between the regent and the laird of Dun; and that gentleman, though a man of sense and character, might be willing to take some general professions for promises. If the queen, overawed by the power of the congregation, gave such a promise in order to have liberty to proceed to a sentence, how could she expect to have power to execute a sentence so insidiously obtained? and to what purpose could it serve?

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[a] Keith, p. 89. Knox, p. 138.

[b] Knox, p. 153, 154, 155. This author pretends that this article was agreed to verbally, but that the queen's scribes omitted it in the treaty which was signed. The story is very unlikely, or rather very absurd; and in the mean time it is allowed that the article is not in the treaty; nor do the congregation, in their subsequent manifesto, insist upon it. Knox, p. 184. Besides, would the queen regent, in an article of a treaty, call her own religion idolatry?

[c] Spotswood, p. 134. Thuan. lib. 24. c. 10.

[d] Forbes, vol. i. p. 139. Thuan. lib. 24. c. 18.

[e] The Scotch lords, in their declaration, say, 'How far we have sought support of England, or of any other prince, and what just cause we had and have so to do, we shall shortly make manifest unto the world, to the praise of God's holy name, and to the confusion of all those that slander us for so doing: for this we fear not to confess, that, as in this enterprise against the devil, against idolatry and the maintainers of the same, we chiefly and only seek God's glory to be notified unto men, sin to be punished, and virtue to be maintained; so where power faileth of ourselves, we will seek it wheresoever God shall offer the same.' Knox, p. 176.

[f] Forbes, vol. i. p. 134, 136, 149, 150, 159, 165, 181, 194, 229, 231, 235—241, 253.

[g] Ibid. p. 387. Jebb, vol. i. p. 448. Keith, Append. 24. [h] Forbes, vol. i. p. 454, 460.

[i] Spotswood, p. 146. [k] Knox, p. 217. Haynes's State Papers, vol. i. p. 153. Rymer, tom. xv. p. 569. [l] Haynes, vol. i. p. 256, 259. [m] Ibid. p. 223. [n] Rymer, vol. xv. p. 593. Keith, p. 137. Spotswood, p. 147. Knox, p. 229. [o] Forbes, vol. i. p. 354, 372. Jebb, vol. ii. p. 452. [p] Knox, p. 237, 238.

[q] Ibid. p. 254.

[r] Forbes, vol. i. p. 214. Throgmorton, about this time, unwilling to entrust to letters the great secrets committed to him, obtained leave, under some pretext, to come over to London.

[s] Goodall, vol. i. p. 175. [t] Caballa, p. 374. Spotswood, p. 177. [u] Keith, p. 179. Jebb, vol. ii. p. 483. [w] Buchan. lib. 17. c. 9. Spotswood, p. 178, 179. Keith, p. 180. Thuan. lib. 29. c. 2. [x] Knox, p. 287. [y] Ibid. p. 284, 285, 287. Spotswood, p. 179. [z] Keith, p. 179.

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[a] Keith, p. 202. [b] Ibid. p. 189. [c] Ibid. p. 192. [d] Knox, p. 292. Buchan. lib. 17. c. 20. Haynes, vol. i. p. 372. [e] Keith, p. 202. [f] Knox, p. 311, 312. [g] Ibid. p. 310. [h] Ibid. p. 288. [i] Ibid. p. 326. [k] Ibid. p. 332, 333. [l] Ibid. p. 322. [m] Ibid. p. 330. [n] Ibid. p. 294. [o] Ibid. p. 302, 303, 304. Keith, p. 509. [p] Knox, ibid. [q] Knox, p. 336, 342. [r] Keith, p. 202. [s] Knox, p. 296. Keith, p. 210. [t] Jebb, vol. ii. p. 456. [u] Buchanan, lib. 17. c. 14—17. Camden, p. 385. Spotswood, p. 180, 181. [w] Ibid. p. 181. [x] Haynes, vol. i. p. 377. [y] Camden, p. 388. Strype, vol. i. p. 230, 336, 337. [z] Haynes, vol. i. p. 233.

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[a] Haynes, vol. i. p. 369, 378, 396. Camden, p. 389. Heylin, p. 154. [b] Strype, vol. i. p. 333. Heylin, p. 154. [c] Thuanus, lib. 23. cap. 14. [d] Digges's Complete Ambassador, p. 369. Haynes, p. 585. Strype, vol. iv. N° 246.

[e] Haynes, vol. i. p. 280, 281, 283, 284.

[f] Davila, lib. 2. [g] Ibid. lib. 3. [h] Father Paul, lib. 7. [i] Ibid. [k] Ibid. Haynes, p. 391. [l] Forbes, vol. ii. p. 48. [m] Ibid. p. 54, 257. [n] Ibid. p. 199. [o] Ibid. p. 161.

[p] Forbes, p. 320. Davila, lib. 3. [q] Forbes, vol. ii. p. 322, 347. [r] Sir Simon D'Ewes's Journ. p. 81. [s] Keith, p. 322. [t] Sir Simon D'Ewes's Journal, p. 75. [u] 5 Eliz. c. 1. [w] Strype, vol. i. p. 260. [x] 5 Eliz. c. 15. [y] Ibid. c. 16. [z] Forbes, vol. ii.

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[a] Forbes, vol. ii. p. 276, 277. [b] Ibid. p. 79. [c] Ibid. p. 158. [d] Ibid. p. 377, 498. [e] Ibid. p. 450, 458. [f] Ibid. p. 498.

[g] This year the council of Trent was dissolved, which had sitten from 1545. The publication of its decrees excited anew the general ferment in Europe; while the catholics endeavoured to enforce the acceptance of them, and the protestants rejected them. The religious controversies were too far advanced to expect that any conviction would result from the decrees of this council. It is the only general council which has been held in an age truly learned and inquisitive; and as the history of it has been written with great penetration and judgment, it has tended very much to expose clerical usurpations and intrigues, and may serve us as a specimen of more ancient councils. No one expects to see another general council, till the decay of learning and the progress of ignorance shall again fit mankind for these great impostures.

[h] Davila, lib. 3. [i] Keith, p. 252. [k] Ibid. p. 253. [l] Haynes, p. 388. [m] Forbes, vol. ii. p. 287. Strype, vol. i. p. 400. [n] Keith, p. 247, 284. [o] Melvil, p. 41. [p] Keith, p. 243, 249, 259, 265. [q] Camden, p. 396. [r] Keith, p. 269, 270. Appendix, p. 158. Strype, vol. i. p. 414. [s] Haynes, p. 447. [t] Melvil, p. 49, 50. [u] Keith, p. 264. [w] Ibid. p. 261. [x] Ibid. p. 280, 282. Jebb, vol. ii. p. 46. [y] Keith, p. 255, 259, 272. [z] Melvil, p. 42.

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[a] Keith, p. 274, 275. [b] Ibid. p. 290. [c] Spotswood, p. 198. [d] Father Paul, lib. 7. [e] Keith, p. 268. [f] Ibid. p. 545. Knox, p. 374. [g] Keith, p. 550, 551. [h] Ibid. p. 546. Knox, p. 381. [i] Knox, p. 377.

[k] It appears, however, from Randolf's letters (see Keith, p. 290), that some offers had been made to that minister of seizing Lenox and Darnley, and delivering them into queen Elizabeth's hands. Melvil confirms the same story, and says that the design was acknowledged by the conspirators, p. 56. This serves to justify the account given by the queen's party of the Raid of Baith, as it is called. See farther, Goodall, vol. ii. p. 358. The other conspiracy, of which Murray complained, is much more uncertain, and is founded on very doubtful evidence.

[l] Keith, p. 293, 294, 300, 301. [m] Knox, p. 380. Keith, Append. p. 164. Anderson, vol. iii. p. 194. [n] Knox, p. 381. [o] Ibid. p. 380, 385. [p] Ibid. p. 388. [q] Melvil, p. 57. Knox, p. 388. Keith, p. 319. Crawford, p. 62, 63. [r] Melvil, p. 60. [s] Ibid. p. 59, 60, 61, 62, 63. Keith, p. 322. [t] Keith, p. 325. Melvil, p. 63. [u] Davila, lib. 3. [w] Melvil, p. 63. Keith's Append. p. 176. [x] Keith, p. 287, 329. Append. p. 163. [y] Keith, p. 282, 302. Crawford's Memoirs, p. 5. Spotswood, p. 193.

[z] Buchanan confesses that Rizzio was ugly; but it may be inferred, from the narration of that author, that he was young. He says, that on the return of the duke of Savoy to Turin, Rizzio was 'in adolescentiæ vigore,' in the vigour of youth. Now that event happened only a few years before, lib. 17. cap. 44. That Bothwel was young appears, among many other invincible proofs, from Mary's instructions to the bishop of Dumblain, her ambassador at Paris; where she says, that in 1559, only eight years before, he was very young. He might therefore have been about thirty when he married her. See Keith's History, p. 388. From the appendix to the Epistolæ Regum Scotorum it appears, by authentic documents, that Patrick earl of Bothwel, father to James, who espoused queen Mary, was alive till near the year 1560. Buchanan, by a mistake, which has been long ago corrected, calls him James.

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[a] Keith, p. 326. Melvil, p. 64. [b] Buchan. lib. 17. c. 60. Crawford, p. 6. Spotswood, p. 194. Knox, p. 393. Jebb, vol. i. p. 456. [c] Crawford, p. 7. [d] Goodall, vol. i. p. 266. Crawford, p. 7. [e] Melvil, p. 64. Keith, p. 330, 331. Crawford, p. 9. [f] Melvil, p. 75, 76. Keith, p. 334. Knox, p. 398. [g] Goodall, vol. i. p. 280. Keith, Append. p. 167. [h] Melvil, p. 66, 67. [i] Ibid. p. 69, 70. [k] Camden, p. 397. [l] D'Ewes, p. 129. [m] Ibid. p. 124. [n] Ibid. p. 127, 128. [o] Ibid. p. 128. [p] Camden, p. 400. [q] D'Ewes, p. 128. [r] Ibid. p. 130. [s] Ibid. p. 116, 117. [t] Camden, p. 400. [u] Haynes, p. 446, 448. [w] Melvil, p. 53, 61, 74.

[x] Keith, p. 240. [y] Melvil, p. 66, 77. [z] Keith, p. 345—348.

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[a] Camden, p. 404. Goodall's Queen Mary, vol. ii. p. 317.

[b] It was imagined that Henry had been strangled before the house was blown up. But this supposition is contradicted by the confession of the criminals; and there is no necessity to admit it in order to account for the condition of his body. There are many instances that men's lives have been saved who had been blown up in ships. Had Henry fallen on water he had not probably been killed.

[c] Melvil, p. 78. Cabala, p. 136. [d] Anderson's Collections, vol. ii. p. 38. vol. iv. p. 167, 168. Spotswood, p. 200. Keith, p. 374. [e] Keith, p. 372. Anderson, vol. ii. p. 3. [f] Keith, p. 373. [g] Ibid. p. 374, 375. [h] Ibid. p. 405. [i] Anderson, vol. i. p. 38, 40, 50, 52. [k] Ibid. vol. ii. p. 274. [l] Spotswood, p. 201. [m] Keith, p. 375. Anderson, vol. i. p. 52. [n] Keith, p. 376. Anderson, vol. ii. p. 106. Spotswood, p. 201. [o] Spotswood, p. 201. Anderson, vol. i. p. 113. [p] Keith, p. 375. Anderson, vol. ii. p. 93. Spotswood, p. 201. [q] Keith, p. 78. Crawford, p. 14. [r] Keith, p. 380. [s] Ibid. p. 381.

[t] Mary herself confessed, in her instructions to the ambassadors whom she sent to France, that Bothwel persuaded all the noblemen that their application in favour of his marriage was agreeable to her. Keith, p. 389. Anderson, vol. i. p. 94. Murray afterwards produced to queen Elizabeth's commissioners a paper, signed by Mary, by which she permitted them to make this application to her. This permission was a sufficient declaration of her intentions, and was esteemed equivalent to a command. Anderson, vol. iv. p. 59. They even asserted that the house in which they met was surrounded with armed men. Goodall, vol. ii. p. 141.

[u] Melvil, p. 80. [w] Spotswood, p. 202. [x] Anderson, vol. iv. part 2, p. 61. [y] Ibid. vol. ii. p. 280. [z] Spotswood, p. 203. Anderson, vol. ii. p. 280.

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[a] Spotswood, p. 203. Melvil, p. 82. [b] Keith, p. 392. Digges, p. 14. [c] Melvil, p. 82. Keith, p. 402. Anderson, vol. i. p. 128, 134. [d] Crawford, p. 11. Keith, Pref. p. 9. [e] Keith, p. 394. [f] Ibid. p. 402. Spotswood, p. 207. [g] Melvil, p. 83, 84. [h] Anderson, vol. ii. p. 165, 166, &c. [i] Keith, p. 419.

[k] Melvil, p. 84. The reality of this letter appears somewhat disputable; chiefly because Murray and his associates never mentioned it in their accusation of her before queen Elizabeth's commissioners.

[l] Keith, p. 411, 412, &c. [m] Ibid. p. 414, 415, 429. [n] Ibid. p. 416. [o] Ibid. p. 427. [p] Ibid. p. 420. [q] Ibid. p. 428. [r] Ibid. p. 422, 426. [s] Melvil, p. 85. Spotswood, p. 211. Anderson, vol. iii. p. 19. [t] Keith, p. 439, 440. [u] Ibid. p. 440. Append. p. 150. [w] Ibid. p. 430. [x] Melvil, p. 87. Keith, p. 445. [y] Anderson, vol. ii. p. 206, et seq. [z] Buchanan, lib. 18. c. 53.

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[a] Keith, p. 475. [b] Ibid. p. 463. Cabala, p. 141. [c] Keith, p. 462. [d] Ibid. p. 473, in the notes. Anderson, vol. iv. p. 26. [e] Jebb's Collection, vol. i. p. 420. [f] Cabala, p. 140. [g] Anderson, vol. iv. p. 54, 66, 82, 83, 86. [h] Ibid. p. 10, 55, 87. [i] Ibid. p. 13—16. [k] Ibid. p. 16—20. [l] Ibid. p. 11, 12, 13, 109, 110. [m] Ibid. p. 54, 71, 72, 74, 78, 92. [n] Ibid. part 2, p. 40. [o] Ibid. p. 14, 15, &c. Goodall, vol. ii. p. 110. [p] Anderson, vol. iv. part 2, p. 52. Goodall, vol. ii. p. 128. Haynes, p. 478. [q] Anderson, vol. iv. part 2, p. 64, et seq. Goodall, vol. ii. p. 144. [r] Anderson, vol. iv. part 2, p. 60, et seq. Goodall, vol. ii. p. 162. [s] Anderson, vol. iv. part 2, p. 45. Goodall, vol. ii. p. 127. [t] Anderson, vol. iv. part 2, p. 47, 48. Goodall, vol. ii. p. 159. [u] Crawford, p. 92. Melvil, p. 94, 95. Haynes, p. 574. [w] Anderson, vol. iv. part 2, p. 77. [x] Ibid. p. 57, 77. State Trials, vol. i. p. 76. [y] Anderson, vol. iv. part 2, p. 55. Goodall, vol. ii. p. 130. [z] Anderson, vol. iv. part 2, p. 99.

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[a] Anderson, vol. iv. part 2, p. 95. Goodall, vol. ii. p. 177, 179. [b] Goodall, vol. ii. p. 199. [c] Anderson, vol. iv. part 2, p. 115, et seq. Goodall, vol. ii. p. 206. [d] Anderson, vol. iv. part 2, p. 123. Goodall, vol. ii. p. 208. [e] Anderson, vol. iv. part 2, p. 125, et seq. Goodall, vol. ii. p. 184, 211, 217. [f] Lesly's Negociations in Anderson, vol. iii. p. 25. Haynes, p. 487.

[g] Mary's complaints of the queen's partiality in admitting Murray to a conference, was a mere pretext in order to break off the confer-

ence. She indeed employs that reason in her order for that purpose (see Goodall, vol. ii. p. 134), but in her private letter, her commissioners are directed to make use of that order to prevent her honour from being attacked. Goodall, vol. ii. p. 183. It was therefore the accusation only she was afraid of. Murray was the least obnoxious of all her enemies: he was abroad when her subjects rebelled, and reduced her to captivity: he had only accepted of the regency when voluntarily proffered him by the nation. His being admitted to queen Elizabeth's presence was therefore a very bad foundation for a quarrel, or for breaking off the conference; and was plainly a mere pretence.

[h] Anderson, vol. iv. part 2, p. 147. Goodall, vol. ii. p. 233. [i] Anderson, vol. ii. p. 115. Goodall, vol. ii. p. 1. [k] Anderson, vol. ii. part 2, p. 165, &c. Goodall, vol. ii. p. 243. [l] Anderson, vol. ii. p. 192. Goodall, vol. ii. p. 76. [m] Anderson, vol. iv. part 2, p. 135, 139. Goodall, vol. ii. p. 224. [n] Anderson, vol. iv. part 2, p. 139, 145. Goodall, vol. ii. p. 228.

[o] We shall not enter into a long discussion concerning the authenticity of these letters: we shall only remark in general, that the chief objections against them are, that they are supposed to have passed through the earl of Morton's hands, the least scrupulous of all Mary's enemies; and that they are to the last degree indecent, and even somewhat inelegant, such as it is not likely she would write. But to these presumptions we may oppose the following considerations: (1) Though it be not difficult to counterfeit a subscription, it is very difficult, and almost impossible, to counterfeit several pages, so as to resemble exactly the hand-writing of any person. These letters were examined and compared with Mary's hand-writing by the English privy council, and by a great many of the nobility, among whom were several partisans of that princess. They might have been examined by the bishop of Ross, Herreis, and others of Mary's commissioners. The regent must have expected that they would be very critically examined by them: and had they not been able to stand that test, he was only preparing a scene of confusion to himself. Bishop Lesly expressly declines the comparing of the hands, which he calls no legal proof. Goodall, vol. ii. p. 389. (2) The letters are very long, much longer than they needed to have been, in order to serve the purposes of Mary's enemies; a circumstance which increased the difficulty, and exposed any forgery the more to the risk of a detection. (3) They are not so gross and palpable as forgeries commonly are, for they still left a pretext for Mary's friends to assert that their meaning was strained to make them appear criminal: see Goodall, vol. ii. p. 361. (4) There is a long contract of marriage, said to be written by the earl of Huntley, and signed by the queen, before Bothwel's acquittal. Would Morton, without any necessity, have thus doubled the difficulties of the forgery and the danger of detection? (5) The letters are indiscreet; but such was apparently Mary's conduct at that time: they are inelegant; but they have a careless, natural air, like letters hastily written between familiar friends. (6) They contain such a variety of particular circumstances as nobody could have thought of inventing, especially as they must necessarily have afforded her many means of detection. (7) We have not the originals of the letters, which were in French: we have only a Scotch and Latin translation from the original, and a French translation professedly done from the Latin. Now it is remarkable that the Scotch translation is full of Gallicisms, and is clearly a translation from a French original: such as 'make fault, faire des fautes; make it seem that I believe, faire semblant de le croire; make brek, faire breche; this is my first journey, c'est ma premiere journée; have you not desire to laugh, n'avez vous pas envie de rire; the place will hald unto the death, la place tiendra jusqu'à la mort; he may not come forth of the house this long time, il ne peut pas sortir du logis de long tems; to make me advertisement, faire m'avertir; put order to it, mettre ordre cela; discharge your heart, decharger votre cœur; make gud watch, faites bonne garde,' &c. (8) There is a conversation which she mentions between herself and the king one evening: but Murray produced before the English commissioners the testimony of one Crawford, a gentleman of the earl of Lenox, who swore that the king, on her departure from him, gave him an account of the same conversation. (9) There seems very little reason why Murray and his associates should run the risk of such a dangerous forgery, which must have rendered them infamous, if detected; since their cause, from Mary's known conduct, even without these letters, was sufficiently good and justifiable. (10) Murray exposed these letters to the examination of persons qualified to judge of them; the Scotch council, the Scotch parliament,

queen Elizabeth and her council, who were possessed of a great number of Mary's genuine letters. (11) He gave Mary herself an opportunity of refuting and exposing him, if she had chosen to lay hold of it. (12) The letters tally so well with all the other parts of her conduct during that transaction, that these proofs throw the strongest light on each other. (13) The duke of Norfolk, who had examined these papers, and who favoured so much the queen of Scots that he intended to marry her, and in the end lost his life in her cause, yet believed them authentic, and was fully convinced of her guilt. This appears not only from his letters above mentioned to queen Elizabeth and her ministers, but by his secret acknowledgment to Bannister, his most trusty confident. See State Trials, vol. i. p. 81. In the conferences between the duke, secretary Lidington, and the bishop of Ross, all of them zealous partisans of that princess, the same thing is always taken for granted. Ibid. p. 74, 75. See farther MS. in the Advocates' Library, A. 3, 28, p. 314, from Cott. Lib. Calig. c. 9. Indeed the duke's full persuasion of Mary's guilt, without the least doubt or hesitation, could not have had place, if he had found Lidington or the bishop of Ross of a different opinion, or if they had ever told him that these letters were forged. It is to be remarked that Lidington, being one of the accomplices, knew the whole bottom of the conspiracy against king Henry, and was besides a man of such penetration that nothing could escape him in such interesting events. (14) I need not repeat the presumption drawn from Mary's refusal to answer. The only excuse for her silence is, that she suspected Elizabeth to be a partial judge: it was not indeed the interest of that princess to acquit and justify her rival and competitor; and we accordingly find that Lidington, from the secret information of the duke of Norfolk, informed Mary, by the bishop of Ross, that the queen of England never meant to come to a decision; but only to get into her hands the proofs of Mary's guilt, in order to blast her character. See State Trials, vol. i. p. 77. But this was a better reason for declining the conference altogether, than for breaking it off on frivolous pretences, the very moment the chief accusation was unexpectedly opened against her. Though she could not expect Elizabeth's final decision in her favour, it was of importance to give a satisfactory answer, if she had any, to the accusation of the Scotch commissioners. That answer could have been dispersed for the satisfaction of the public, of foreign nations, and of posterity. And surely, after the accusation and proofs were in queen Elizabeth's hands, it could do no harm to give in the answers. Mary's information, that the queen never intended to come to a decision, could be no obstacle to her justification. (15) The very disappearance of these letters is a presumption of their authenticity. That event can be accounted for no way but from the care of king James's friends, who were desirous to destroy every proof of his mother's crimes. The disappearance of Morton's narrative, and of Crawford's evidence, from the Cotton Library, Calig. c. 1, must have proceeded from a like cause. See MS. in the Advocates' Library, A. 3, 29, p. 88.

I find an objection made to the authenticity of the letters, drawn from the vote of the Scotch privy council, which affirms the letters to be written and subscribed by queen Mary's own hand; whereas the copies given in to the parliament a few days after were only written, not subscribed. See Goodall, vol. ii. p. 64, 67. But it is not considered that this circumstance is of no manner of force: there were certainly letters, true or false, laid before the council; and whether the letters were true or false, this mistake proceeds equally from the inaccuracy or blunder of the clerk. The mistake may be accounted for: the letters were only written by her: the second contract with Bothwel was only subscribed. A proper accurate distinction was not made; and they are all said to be written and subscribed. A late writer, Mr. Goodall, has endeavoured to prove that these letters clash with chronology, and that the queen was not in the places mentioned in the letters on the days there assigned: to confirm this, he produces charters and other deeds signed by the queen, where the date and place do not agree with the letters. But it is well known that the date of charters, and such like grants, is no proof of the real day on which they were signed by the sovereign. Papers of that kind commonly pass through different offices: the date is affixed by the first office, and may precede very long the day of the signature.

The account given by Morton of the manner in which the papers came into his hands is very natural. When he gave it to the English commissioners, he had reason to think it would be canvassed with all the severity of able adversaries, interested in the highest degree to refute it. It is probable that he could have confirmed it

by many circumstances and testimonies, since they declined the contest.

The sonnets are inelegant; insomuch that both Brantome and Ronsard, who knew queen Mary's style, were assured, when they saw them, that they could not be of her composition. Jebb, vol. ii. p. 478. But no person is equal in his productions, especially one whose style is so little formed as Mary's must be supposed to be. Not to mention that such dangerous and criminal enterprises leave little tranquillity of mind for elegant poetical compositions.

In a word, queen Mary might easily have conducted the whole conspiracy against her husband, without opening her mind to any one person except Bothwel, and without writing a scrap of paper about it; but it was very difficult to have conducted it so that her conduct should not betray her to men of discernment. In the present case her conduct was so gross as to betray her to every body; and fortune threw into her enemies' hands papers by which they could convict her. The same infatuation and imprudence, which happily is the usual attendant of great crimes, will account for both. It is proper to observe, that there is not one circumstance of the foregoing narrative, contained in the history, that is taken from Knox, Buchanan, or even Thuanus, or indeed from any suspected authority.

[p] Anderson, vol. iv. part 2, p. 170, &c. Goodall, vol. ii. p. 254. [q] Anderson, vol. iv. part 2, p. 179, &c. Goodall, vol. ii. p. 268. [r] Anderson, vol. iv. part 2, p. 183. Goodall, vol. ii. p. 269. [s] Cabala, p. 157. [t] Goodall, vol. ii. p. 280.

[u] Unless we take this angry accusation, advanced by queen Mary, to be an argument of Murray's guilt, there remains not the least presumption which should lead us to suspect him to have been anywise an accomplice in the king's murder. That queen never pretended to give any proof of the charge; and her commissioners affirmed at the time that they themselves knew of none, though they were ready to maintain its truth by their mistress's orders, and would produce such proof as she should send them. It is remarkable that, at that time, it was impossible for either her or them to produce any proof, because the conferences before the English commissioners were previously broken off.

It is true the bishop of Ross, in an angry pamphlet, written by him under a borrowed name (where it is easy to say any thing), affirms that lord Herreis, a few days after the king's death, charged Murray with the guilt, openly to his face, at his own table. This latter nobleman, as Lesley relates the matter, affirmed that Murray, riding in Fife with one of his servants the evening before the commission of that crime, said to him among other talk, 'This night ere morning the lord Darnley shall lose his life.' See Anderson, vol. i. p. 75. But this is only a hearsay of Lesley's concerning a hearsay of Herreis's, and contains a very improbable fact. Would Murray, without any use or necessity, communicate to a servant such a dangerous and important secret, merely by way of conversation? We may also observe that lord Herreis himself was one of queen Mary's commissioners who accused Murray. Had he ever heard this story, or given credit to it, was not that the time to have produced it? and not have affirmed, as he did, that he for his part knew nothing of Murray's guilt. See Goodall, vol. ii. p. 307.

The earls of Huntley and Argyle accuse Murray of this crime; but the reason which they assign is ridiculous. He had given his consent to Mary's divorce from the king, therefore he was the king's murderer. See Anderson, vol. iv. part 2, p. 192. It is a sure argument that these earls knew no better proof against Murray, otherwise they would have produced it, and not have insisted on so absurd a presumption. Was not this also the time for Huntley to deny his writing Mary's contract with Bothwel, if that paper had been a forgery?

Murray could have no motive to commit that crime. The king, indeed, bore him some ill will; but the king himself was become so despicable, both from his own ill conduct and the queen's aversion to him, that he could neither do good nor harm to any body. To judge by the event in any case is always absurd, especially in the present. The king's murder, indeed, procured Murray the regency: but much more Mary's ill conduct and imprudence, which he could not possibly foresee, and which never would have happened had she been entirely innocent.

[w] Goodall, vol. ii. p. 253, 283, 289, 310, 311. Haynes, vol. i. p. 492.

I believe there is no reader of common sense who does not see from the narrative in the text, that the author means to say, that queen Mary refuses constantly to answer before the English commissioners, but offers only to answer in

person before queen Elizabeth in person, contrary to her practice during the whole course of the conference, till the moment the evidence of her being an accomplice in her husband's murder is unexpectedly produced. It is true, the author having repeated four or five times an account of this demand of being admitted to Elizabeth's presence, and having expressed his opinion that, as it had been refused from the beginning, even before the commencement of the conferences, she did not expect it would now be complied with; thought it impossible his meaning could be misunderstood (as indeed it was impossible), and not being willing to tire his reader with continual repetitions, he mentions in a passage or two, simply, that she had refused to make any answer. I believe also, there is no reader of common sense who peruses Anderson or Goodall's collections, and does not see that, agreeably to this narrative, queen Mary insists unalterably and strenuously on not continuing to answer before the English commissioners, but insists to be heard in person, by queen Elizabeth in person; though once or twice, by way of bravado, she says simply that she will answer and refute her enemies, without inserting this condition, which still is understood. But there is a person that has writ an 'Enquiry, historical and critical, into the Evidence against Mary queen of Scots;' and has attempted to refute the foregoing narrative. He quotes a single passage of the narrative, in which Mary is said simply to refuse answering; and then a single passage from Goodall, in which she boasts simply that she will answer; and he very civilly, and almost directly, calls the author a liar, on account of this pretended contradiction. That whole Enquiry, from beginning to end, is composed of such scandalous artifices; and from this instance the reader may judge of the candour, fair dealing, veracity, and good manners, of the Enquirer. There are, indeed, three events in our history, which may be regarded as touchstones of party men. An English Whig, who asserts the reality of the popish plot, an Irish Catholic, who denies the massacre in 1641, and a Scotch Jacobite, who maintains the innocence of queen Mary, must be considered as men beyond the reach of argument or reason, and must be left to their prejudices.

[x] Rymer, tom. xv. p. 677. [y] MS. in the Advocates' Library, A. 3, 29, p. 128, 129, 130, from Cott. Lib. Cal. c. 1. [z] Goodall, vol. ii. p. 295.

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[a] Goodall, vol. ii. p. 301. [b] Haynes, p. 587. [c] Camden, p. 406. [d] Ibid. p. 407, 408. [e] Burnet, vol. ii. p. 152. Heylin, p. 90. [f] Strype, vol. i. p. 416. [g] Keith, p. 565. Knox, p. 402. [h] Heylin, preface, p. 3. Hist. p. 106.

[i] 'When Nowel, one of her chaplains, had spoken less reverently in a sermon, preached before her, of the sign of the cross, she called aloud to him from her closet window, commanding him to retire from that ungodly digression, and to return unto his text. And, on the other side, when one of her divines had preached a sermon in defence of the real presence, she openly gave him thanks for his pains and piety.' Heylin, p. 124. She would have absolutely forbidden the marriage of the clergy if Cecil had not interposed. Strype's Life of Parker, p. 107, 108, 109. She was an enemy to sermons, and usually said that she thought two or three preachers were sufficient for a whole county. It was probably for these reasons that one Doring told her to her face, from the pulpit, that she was like an untamed heifer, that would not be ruled by God's people, but obstructed his discipline. See life of Hooker, prefixed to his works.

[k] Strype's Life of Whitgift, p. 460. [l] Lesley, p. 36, 37. [m] Ibid. p. 40, 41. [n] State Trials, p. 76, 78. [o] Lesley, p. 41. [p] Ibid. p. 55. Camden, p. 419. Spotswood, p. 230. [q] Haynes, p. 535. [r] Camden, p. 417. [s] Lesley, p. 50. Camden, p. 420. Haynes, p. 535, 539. [t] Lesley, p. 62. [u] Ibid. p. 63. [v] State Trials, vol. i. p. 82. [w] Camden, p. 420. Spotswood, p. 231.

[x] Lesley, p. 71. It appears by Haynes, p. 521, 525, that Elizabeth had heard rumours of Norfolk's dealing with Murray; and charged the latter to inform her of the whole truth, which he accordingly did. See also the earl of Murray's letter produced on Norfolk's trial

[y] Lesley, p. 76. [z] Ibid. p. 98.

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[a] Lesley, p. 77. [b] Camden, p. 420. [c] Haynes, p. 528. [d] Ibid. p. 339. [e] Camden, p. 421. Haynes, p. 540. [f] Lesley, p. 80. [g] Haynes, p. 552. [h] Ibid. p. 595. Strype, vol. ii. Append. p. 30. MS. in the Advocates' Library, from Cott. Lib. Cal. c. 9. [i] Cabala, p. 169. Strype, vol. i. p. 547. [k] Stowe, p. 663. [l] Cabala, p. 170. Digges,

p. 4. [m] Camden, p. 423. [n] Lesley, p. 82. [o] Ibid. p. 98. Camden, p. 429. Haynes, p. 597. [p] Lesley, p. 232. Haynes, p. 511, 548. [q] MS. in the Advocates' Library, A. 329, p. 137, from Cott. Lib. Catal. c. 1. [r] Spotswood, p. 230, 231. Lesley, p. 71. [s] Camden, p. 425. Lesley, p. 83.

[t] By Murden's state papers, published after the writing of this history, it appears that an agreement had been made between Elizabeth and the regent for the delivering up of Mary to him. The queen afterwards sent down Killigrew to the earl of Marre when regent, offering to put Mary into his hands. Killigrew was instructed to take good security from the regent, that that queen should be tried for her crimes, and that the sentence should be executed upon her. It appears that Marre rejected the offer, because we hear no more of it. [u] Lesley, p. 91. [w] Spotswood, p. 240. [x] Ibid. p. 241. [y] Ibid. p. 243. [z] Crawford, p. 136.

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[a] Sir James Melvil, p. 108, 109, ascribes to Elizabeth a positive design of animating the Scotch factions against each other; but his evidence is too inconsiderable to counterbalance many other authorities, and is, indeed, contrary to her subsequent conduct, as well as her interest, and the necessity of her situation. It was plainly her interest that the king's party should prevail, and nothing could have engaged her to stop their progress, or even forbear openly assisting them, but her intention of still amusing the queen of Scots, by the hopes of being peaceably restored to her throne. See farther, Strype, vol. ii. Append. p. 20.

[b] Spotswood, p. 245. Lesley, p. 101. [c] Lesley, p. 109, &c. [d] Spotswood, p. 245. [e] Ibid. p. 247, 248. [f] Ibid. p. 248, 249. [g] Haynes, p. 623. [h] Spotswood, p. 249, 250, &c. Lesley, p. 133, 136. Camden, p. 431, 432. [i] Camden, p. 427. [k] Ibid. p. 441, from Catcjanus's Life of Pius V. [l] Camden, p. 428. [m] D'Ewes, p. 141. [n] Ibid. p. 185. [o] Ibid. p. 156, 157. [p] Ibid. p. 167. [q] Ibid. p. 158. [r] Ibid. p. 166. [s] Ibid. p. 166. [t] Ibid. p. 167. [u] Ibid. p. 175. [w] Ibid. [x] Ibid. p. 175, 176. [y] Ibid. p. 175. [z] Ibid.

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[a] D'Ewes, p. 176. [b] Idem ibid. [c] D'Ewes, p. 180, 185. [d] Ibid. p. 185. [e] Ibid. p. 159. [f] D'Ewes, p. 160. [g] Ibid. p. 168. [h] Ibid. p. 175. [i] Ibid. p. 242. [k] Ibid. p. 151.

[l] It appeared this session that a bribe of four pounds had been given to a mayor for a seat in parliament. D'Ewes, p. 181. It is probable that the member had no other view than the privilege of being free from arrests.

[m] 13 Eliz. c. 1. [n] Camden, p. 436. [o] 13 Eliz. c. 2. [p] Ibid. c. 8. [q] Davila, lib. 4. [r] Haynes, p. 471. [s] Camden, p. 423. [t] Ibid. p. 433. Davila, lib. 5. Digges's Complete Ambassador, p. 84, 110, 111.

[u] Grotii Annal. lib. 1. Father Paul, another great authority, computes, in a passage above cited, that fifty thousand persons were put to death in the Low Countries alone.

[w] Bentivoglio, part 1, lib. 5. Camden, p. 416. [x] Lesley, p. 123. State Trials, vol. i. p. 87. [y] Lesley, p. 123. [z] Haynes, p. 571.

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[a] State Trials, vol. i. p. 102. [b] Lesley, p. 155. State Trials, vol. i. p. 86, 87. [c] Lesley, p. 159, 161. Camden, p. 432. [d] State Trials, vol. i. p. 93. [e] Lesley, p. 155. [f] Ibid. p. 169. State Trials, vol. i. p. 87. Camden, p. 434. Digges, p. 134, 137, 140. Strype, vol. ii. p. 82. [g] Lesley, p. 173. [h] Lesley, p. 175. [i] Ibid. p. 189. Spotswood. [k] Carte, p. 527, from Fenelon's Dispatches. Digges, p. 166. Strype, vol. ii. p. 83. [l] Camden, p. 440. Strype, vol. ii. App. p. 23. [m] Digges, p. 16, 107. Strype, vol. ii. p. 51, 52. [n] Ibid. p. 194, 208, 209. Strype, vol. ii. p. 40, 51. [o] Camden, p. 442. [p] D'Ewes, p. 207, 208, &c. [q] Ibid. p. 219, 241. [r] Ibid. p. 213, 238. [s] Digges, p. 152. [t] Spotswood, p. 263. [u] Digges, p. 156, 165, 169. [x] Spotswood, p. 268. [y] Camden, p. 449. [z] Digges, p. 8, 39.

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[a] Camden, p. 443. [b] Davila, lib. 5. [c] Digges, p. 247. [d] Carte, vol. iii. p. 522, from Fenelon's Dispatches. [e] Digges, p. 247, 248. [f] Ibid. p. 268, 282. [g] Ibid. passim. Camden, p. 447. [h] Digges, p. 297, 298. Camden, p. 447. [i] Digges, p. 343. [k] Ibid. p. 335, 341. [l] Davila, lib. 5. [m] Camden, p. 452. [n] Ibid. p. 443. [o] Bentivoglio, lib. 7. [p] Grotius, lib. 2. [q] Digges, p. 73. [r] Camden, p. 453, 454. [s] Ibid. p. 466. Grotius, lib. 3. [t] Camden, p. 466. [u] Ibid. p. 459. [w] Walsingham's

Letter in Burnet, vol. ii. p. 418. Cabala, p. 406.
[x] Strype's Life of Parker, p. 342. Ibid. Life of Grindal, p. 315. [y] Heylin, p. 165, 166.
[z] D'Ewes, p. 245. Camden, p. 446.

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[a] D'Ewes, p. 246. [b] Ibid. p. 245. [c] Ibid. p. 236, 237, &c. [d] Ibid. p. 241. [e] Ibid. p. 244. [f] Ibid. p. 259. [g] Ibid. p. 252. [h] Ibid. p. 257. [i] Ibid. p. 263. [k] Ibid. p. 246. [l] Digges, p. 412, 428. Melvil, p. 130. [m] Spotswood, p. 309. [n] Ibid. p. 314. Crawford, p. 333. Moyse's Memoirs, p. 54. [o] Spotswood, p. 312. [p] Digges, p. 359, 370. [q] Camden, p. 475. Cox's History of Ireland, p. 368. [r] Camden, p. 478. Stowe, p. 689. [s] Camden, p. 478. Hakluyt's Voyages, vol. iii. p. 730, 748. Purchas's Pilgrim, vol. i. p. 46. [t] Camden, p. 480. [u] 23 Eliz. cap. 1. [w] Ibid. cap. 2.
[x] D'Ewes, p. 302. [y] Ibid. p. 284, 285.
[z] Camden, p. 477.

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[a] Camden, p. 471. [b] Ibid. p. 484. [c] Digges, p. 387, 396, 408, 426. [d] Ibid. p. 352. [e] Ibid. p. 375, 591. [f] Ibid. p. 392. [g] Ibid. p. 408.

[h] That the queen's negociations for marrying the duke of Anjou were not feigned nor political appears clearly from many circumstances, particularly from a passage in Dr. Forbes's manuscript collections, at present in the possession of lord Royston. She there enjoins Walsingham, before he opens the treaty, to examine the person of the duke; and, as that prince had lately recovered from the small-pox, she desires her ambassador to consider whether he yet retained so much of his good looks as that a woman could fix her affections on him. Had she not been in earnest, and had she only meant to amuse the public, or the court of France, this circumstance was of no moment.

[i] Digges, p. 357, 387, 388, 409, 426, 439. Rymer, vol. xv. p. 793. [k] Camden, p. 486. Thuan. lib. 74. [l] Camden, p. 486. [m] Letters of the Sydneys, vol. i. p. 287, et seq. Cabala, p. 363. [n] Camden, p. 486. [o] Spotswood, p. 319. [p] Ibid. p. 320. [q] Ibid. p. 322. [r] Heylin's Hist. Presbyter. p. 227. Spotswood. [s] Ibid. p. 328. [t] Ibid. p. 324. [u] Camden, p. 489. [w] Jebb, vol. ii. p. 540. [x] MS. in the Advocates' Library, A. 3, 28, p. 401, from the Cott. Lib. Calig. c. 9. [y] Spotswood, p. 325, 326, et seq. [z] Melvil, p. 140, 141. Strype, vol. iii. p. 165.

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[a] Melvil, p. 148. Jebb, vol. ii. p. 530.
[b] Spotswood, p. 333. [c] Ibid. p. 334.
[d] Camden, p. 499. [e] Strype, vol. iii. p. 246. [f] State Trials, vol. i. p. 122, 123.
[g] 27 Eliz. cap. 1. [h] Ibid. cap. 2.

[i] Some even of those who defend the queen's measures allow that in ten years fifty priests were executed, and fifty-five banished. Camden, p. 649.

[k] Besides the petition after mentioned, another proof of the prevalency of the puritans among the commons was their passing a bill for the reverent observance of Sunday, which they termed the Sabbath, and the depriving the people of those amusements which they were accustomed to take on that day. D'Ewes, p. 335. It was a strong symptom of a contrary spirit in the upper house, that they proposed to add Wednesday to the fast days, and to prohibit entirely the eating of flesh on that day. D'Ewes, p. 373.

[l] D'Ewes, p. 357. [m] Neal's History of the Puritans, vol. i. p. 410.

[n] D'Ewes, p. 328. The puritanical sect had indeed gone so far, that a book of discipline was secretly subscribed by above five hundred clergymen; and the presbyterian government thereby established in the midst of the church, notwithstanding the rigour of the prelates and of the high commission. So impossible is it by penal statutes, however severe, to suppress all religious innovation. See Neal's Hist. of the Puritans, vol. i. p. 483. Strype's Life of Whitgift, p. 291.

[o] Rymer, vol. xvi. p. 292, 386, 400. [p] State Trials, vol. i. p. 103, et seq. Strype, vol. iii. p. 255, et seq.

[q] This year the earl of Northumberland, brother to the earl beheaded some years before, had been engaged in a conspiracy with lord Paget for the deliverance of the queen of Scots. He was thrown into the tower; and, being conscious that his guilt could be proved upon him, at least that sentence would infallibly be pronounced against him, he freed himself from farther prosecution by a voluntary death. He shot himself in the breast with a pistol. About the same time the earl of Arundel, son of the unfortunate duke of Norfolk, having entered into some exceptionable measures, and reflecting on the unhappy fate which had attended

his family, endeavoured to depart secretly beyond sea, but was discovered and thrown into the tower. In 1587 this nobleman was brought to his trial for high treason; chiefly because he had dropped some expressions of affection to the Spaniards, and had affirmed that he would have masses said for the success of the Armada. His peers found him guilty of treason: this severe sentence was not executed; but Arundel never recovered his liberty. He died a prisoner in 1595. He carried his religious austerities so far, that they were believed the immediate cause of his death.

[r] Camden, p. 495. [s] Ibid. p. 507. Bentivoglio, part 2, lib. 4. [t] Camden, p. 507. Bentivoglio, part 2, lib. 4. [u] Camden, p. 508. [x] Ibid. p. 509. [y] Ibid. p. 512. Bentivoglio, part 2, lib. 4. [z] Melvil. [a] Spotswood, p. 351.

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[a] Spotswood, p. 349. Camden, p. 513. Rymer, tom. xv. p. 803. [b] Spotswood, p. 345, 346. [c] Ibid. p. 344. [d] Ibid. p. 348. [e] Digges, p. 139. Haynes, p. 607.

[f] Mary's extreme animosity against Elizabeth may easily be conceived, and it broke out about this time in an incident which may appear curious. While the former queen was kept in custody by the earl of Shrewsbury, she lived during a long time in great intimacy with the countess; but that lady entertaining a jealousy of an amour between her and the earl, their friendship was converted into enmity; and Mary took a method of revenge, which at once gratified her spite against the countess and that against Elizabeth. She wrote to the queen, informing her of all the malicious scandalous stories which, she said, the countess of Shrewsbury had reported of her: that Elizabeth had given a promise of marriage to a certain person, whom she afterwards often admitted to her bed: that she had been equally indulgent to Simier the French agent, and to the duke of Anjou: that Hatton was also one of her paramours, who was even disgusted with her excessive love and fondness: that though she was, on other occasions, avaricious to the last degree, as well as ungrateful, and kind to very few, she spared no expense in gratifying her amorous passions: that, notwithstanding her licentious amours, she was not made like other women; and all those who courted her marriage would in the end be disappointed: that she was so conceited of her beauty as to swallow the most extravagant flattery from her courtiers, who could not, on these occasions, forbear even sneering at her for her folly: that it was usual for them to tell her that the lustre of her beauty dazzled them like that of the sun, and they could not behold it with a fixed eye: she added, that the countess had said that Mary's best policy would be to engage her son to make love to the queen; nor was there any danger that such a proposal would be taken for mockery; so ridiculous was the opinion which she had entertained of her own charms. She pretended that the countess had represented her as no less odious in her temper than profligate in her manners, and absurd in her vanity: that she had so beaten a young woman of the name of Scudamore as to break that lady's finger; and, in order to cover over the matter, it was pretended that the accident had proceeded from the fall of a candlestick: that she had cut another across the hand with a knife, who had been so unfortunate as to offend her. Mary added, that the countess had informed her that Elizabeth had suborned Rolstone to pretend friendship to her, in order to debauch her, and thereby throw infamy on her rival. See Murden's State Papers, p. 558. This imprudent and malicious letter was written a very little before the detection of Mary's conspiracy; and contributed, no doubt, to render the proceedings against her the more rigorous. How far all these imputations against Elizabeth can be credited may perhaps appear doubtful: but her extreme fondness for Leicester, Hatton, and Essex, not to mention Mountjoy and others, with the curious passages between her and admiral Seymour, contained in Haynes, render her chastity very much to be suspected. Her self-conceit with regard to beauty we know, from other undoubted authority, to have been extravagant. Even when she was a very old woman she allowed her courtiers to flatter her with regard to her 'excellent beauties.' Birch, vol. ii. p. 442, 443. Her passionate temper may also be proved from many lively instances; and it was not unusual with her to beat her maids of honour. See the Sydney Papers, vol. ii. p. 38. The blow she gave to Essex before the privy council is another instance. There remains in the museum a letter of the earl of Huntingdon's, in which he complains grievously of the queen's pinching his wife very sorely, on account of some quarrel between them. Had this princess been born in a private station, she would not have been very amiable: but her absolute authority, at the same time that it gave

an uncontrolling swing to her violent passions, enabled her to compensate her infirmities by many great and signal virtues.

[g] Murden's State Papers, p. 517. [h] Camden, p. 515. [i] Ibid. p. 515. State Trials, p. 114. [k] State Trials, vol. i. p. 111. [l] Ibid. p. 135. Camden, p. 515. [m] Camden, p. 518. [n] Ibid. p. 523. [o] State Trials, vol. i. p. 138.

[p] Camden, p. 525. This evidence was that of Curle, her secretary, whom she allowed to be a very honest man; and who, as well as Nau, had given proofs of his integrity, by keeping so long such important secrets, from whose discovery he could have reaped the greatest profit. Mary, after all, thought that she had so little reason to complain of Curle's evidence, that she took care to have him paid a considerable sum by her will, which she wrote the day before her death. Goodall, vol. i. p. 413. Neither did she forget Nau, though less satisfied in other respects with his conduct. Id. ibid.

[q] The detail of this conspiracy is to be found in a letter of the queen of Scots to Charles Paget, her great confident. This letter is dated the twentieth of May 1586, and is contained in Dr. Forbes's manuscript collections, at present in the possession of lord Royston. It is a copy attested by Curle, Mary's secretary, and indorsed by lord Burleigh. What proves its authenticity beyond question is, that we find in Murden's collection, p. 516, that Mary actually wrote that very day a letter to Charles Paget: and farther, she mentions in the manuscript letter, a letter of Charles Paget's of the tenth of April: now we find by Murden, p. 506, that Charles Paget did actually write her a letter of that date.

This violence of spirit is very consistent with Mary's character. Her maternal affection was too weak to oppose the gratification of her passions, particularly her pride, her ambition, and her bigotry. Her son, having made some fruitless attempt to associate her with him in the title, and having found the scheme impracticable, on account of the prejudices of his protestant subjects, at last desisted from that design, and entered into an alliance with England, without comprehending his mother. She was in such a rage at this undutiful behaviour, as she imagined it, that she wrote to queen Elizabeth that she no longer cared what became of him or herself in the world; the greatest satisfaction she could have before her death was to see him and all his adherents become a signal example of tyranny, ingratitude, and impiety, and undergo the vengeance of God for their wickedness. She would find in Christendom other heirs, and doubted not to put her inheritance in such hands as would retain the firmest hold of it. She cared not, after taking this revenge, what became of her body: the quickest death would then be the most agreeable to her. And she assured her that, if he persevered, she would disown him for her son, and would give him her malediction, would disinherit him, as well of his present possessions as of all he could expect by her; abandoning him not only to her subjects to treat him as they had done her, but to all strangers to subdue and conquer him. It was in vain to employ menaces against her: the fear of death or other misfortune would never induce her to make one step, or pronounce one syllable beyond what she had determined: she would rather perish with honour, in maintaining the dignity to which God had raised her, than degrade herself by the least pusillanimity, or act what was unworthy of her station and of her race. Murden, p. 566, 567.

James said to Courcelles, the French ambassador, that he had seen a letter under her own hand, in which she threatened to disinherit him, and said that he might betake him to the lordship of Darnley, for that was all he had by his father. Courcelles' Letter, a MS. of Dr. Campbell's. There is in Jebb, vol. ii. p. 573, a letter of her's where she throws out the same menace against him.

We find this scheme of seizing the king of Scots, and delivering him into the hands of the pope or the king of Spain, proposed by Morgan to Mary. See Murden, p. 525. A mother must be very violent to whom one would dare to make such a proposal: but it seems she assented to it. Was not such a woman very capable of murdering her husband, who had so grievously offended her?

[r] State Trials, vol. i. p. 113.

[s] The volume of State Papers collected by Murden prove beyond controversy that Mary was long in close correspondence with Babington, p. 513, 516, 532, 533. She entertained a like correspondence with Ballard, Morgan, and Charles Paget, and laid a scheme with them for an insurrection, and for the invasion of England by Spain, p. 528, 531. The same papers shew that there had been a discontinuance of Babington's correspondence, agreeably to Camden's narration. See State Papers, p. 513,

where Morgan recommends it to queen Mary to renew her correspondence with Babington. These circumstances prove that no weight can be laid on Mary's denial of her guilt, and that her correspondence with Babington contained particulars which could not be avowed.

'There are three suppositions by which the letter to Babington may be accounted for, without allowing Mary's concurrence in the conspiracy for assassinating Elizabeth. The first is, that which she seems herself to have embraced, that her secretaries had received Babington's letter, and had, without any treacherous intention, ventured of themselves to answer it, and had never communicated the matter to her: but it is utterly improbable, if not impossible, that a princess of so much sense and spirit should, in an affair of that importance, be so treated by her servants who lived in the house with her, and who had every moment an opportunity of communicating the secret to her. If the conspiracy failed, they must expect to suffer the severest punishment from the court of England; if it succeeded, the lightest punishment which they could hope for from their own mistress must be disgrace on account of their temerity. Not to mention that Mary's concurrence was in some degree requisite for effecting the design of her escape: it was proposed to attack her guards while she was employed in hunting: she must therefore concert the time and place with the conspirators. The second supposition is that these two secretaries were previously traitors, and, being gained by Walsingham, had made such a reply in their mistress's cypher as might involve her in the guilt of the conspiracy. But these two men had lived long with the queen of Scots, had been intirely trusted by her, and had never fallen under suspicion either with her or her partisans. Camden informs us that Curle afterwards claimed a reward from Walsingham on pretence of some promise; but Walsingham told him that he owed him no reward, and that he had made no discoveries on his examination which were not known with certainty from other quarters. The third supposition is that neither the queen nor the two secretaries, Nau and Curle, ever saw Babington's letter, or made any answer; but that Walsingham, having deciphered the former, forged a reply. But this supposition implies the falsehood of the whole story, told by Camden, of Gifford's access to the queen of Scots' family, and Paulet's refusal to concur in allowing his servants to be bribed. Not to mention, that as Nau's and Curle's evidence must, on this supposition, have been extorted by violence and terror, they would necessarily have been engaged, for their own justification, to have told the truth afterwards, especially upon the accession of James. But Camden informs us that Nau, even after that event, persisted still in his testimony.

We must also consider that the two last suppositions imply such a monstrous criminal conduct in Walsingham, and consequently in Elizabeth (for the matter could be no secret to her), as exceeds all credibility. If we consider the situation of things, and the prejudices of the times, Mary's consent to Babington's conspiracy appears much more natural and probable. She believed Elizabeth to be an usurper and a heretic: she regarded her as a personal and a violent enemy: she knew that schemes for assassinating heretics were very familiar in that age, and generally approved of by the court of Rome and the zealous catholics: her own liberty and sovereignty were connected with the success of this enterprise: and it cannot appear strange that, where men of so much merit as Babington could be engaged, by bigotry alone, in so criminal an enterprise, Mary, who was actuated by the same motive, joined to so many others, should have given her consent to a scheme projected by her friends. We may be previously certain that if such a scheme was ever communicated to her, with any probability of success, she would assent to it: and it served the purpose of Walsingham and the English ministry to facilitate the communication of these schemes, as soon as they had gotten an expedient for intercepting her answer, and detecting the conspiracy. Now Walsingham's knowledge of the matter is a supposition necessary to account for the letter delivered to Babington.

As to the not punishing of Nau and Curle by Elizabeth, it never is the practice to punish lesser criminals who had given evidence against the principal.

But what ought to induce us to reject these three suppositions is, that they must all of them be considered as bare possibilities: the partisans of Mary can give no reason for preferring one to the other: not the slightest evidence ever appeared to support any one of them: neither at that time, nor at any time afterwards, was any reason discovered, by the numerous zealots at home and abroad, who had embraced Mary's defence, to lead us to the belief of any of these

three suppositions; and even her apologists at present seem not to have fixed on any choice among these supposed possibilities. The positive proof of two very credible witnesses, supported by the other very strong circumstances, still remains unimpeached. Babington, who had an extreme interest to have communication with the queen of Scots, believed he had found a means of correspondence with her, and had received an answer from her: he, as well as the other conspirators, died in that belief: there has not occurred, since that time, the least argument to prove that they were mistaken: can there be any reason at present to doubt the truth of their opinion? Camden, though a professed apologist for Mary, is constrained to tell the story in such a manner as evidently supposes her guilt. Such was the impossibility of finding any other consistent account, even by a man of parts who was a contemporary!

In this light might the question have appeared even during Mary's trial. But what now puts her guilt beyond all controversy is the following passage of her letter to Thomas Morgan, dated the twenty-seventh of July 1586. 'As to Babington, he hath both kindly and honestly offered himself and all his means to be employed any way I would: whereupon I hope to have satisfied him by two of my several letters since I had his; and the rather, for that I opened him the way, whereby I received his with your aforesaid.' Murden, p. 533. Babington confessed that he had offered her to assassinate the queen: it appears by this that she had accepted the offer: so that all the suppositions of Walsingham's forgery, or the temerity or treachery of her secretaries, fall to the ground.

[r] Queen Elizabeth was willing to have allowed Curle and Nau to be produced in the trial, and writes to that purpose to Burleigh and Walsingham, in her letter of the seventh of October, in Forbes's MS. collections. She only says that she thinks it needless, though she was willing to agree to it. The not confronting of the witnesses was not the result of design, but the practice of the age.

[q] Camden, p. 576. [r] D'Ewes, p. 375.
[s] Ibid. p. 379. [t] Ibid. p. 402, 403.

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[a] This parliament granted the queen a supply of a subsidy and two fifteenths. They adjourned, and met again after the execution of the queen of Scots; when there passed some remarkable incidents, which it may be proper not to omit. We shall give them in the words of sir Simon D'Ewes, p. 410, 411, which are almost wholly transcribed from Townshend's Journal. On Monday the twenty-seventh of February, Mr. Cope, first using some speeches touching the necessity of a learned ministry, and the amendment of things amiss in the ecclesiastical estate, offered to the house a bill and a book written; the bill containing a petition that it might be enacted that all laws now in force touching ecclesiastical government should be void: and that it might be enacted that that book of common prayer now offered, and none other, might be received into the church to be used. The book contained the form of prayer and administration of the sacraments, with divers rites and ceremonies to be used in the church; and he desired that the book might be read. Whereupon Mr. Speaker in effect used this speech: for that her majesty before this time had commanded the house not to meddle with this matter, and that her majesty had promised to take order in those causes, he doubted not but to the good satisfaction of all her people, he desired that it would please them to spare the reading of it. Notwithstanding the house desired the reading of it. Whereupon Mr. Speaker desired the clerk to read: and the court being ready to read it, Mr. Dalton made a motion against the reading of it, saying that it was not meet to be read, and it did appoint a new form of administration of the sacraments and ceremonies of the church, to the discredit of the book of common prayer, and of the whole state; and thought that this dealing would bring her majesty's indignation against the house, thus to enterprise this dealing with those things which her majesty especially had taken into her own charge and direction. Whereupon Mr. Lewkenor spake, shewing the necessity of preaching, and of a learned ministry, and thought it very fit that the petition and book should be read. To this purpose spake Mr. Hurleston and Mr. Bainbrigg; and so, the time being passed, the house broke up, and neither the petition nor book read. This done, her majesty sent to Mr. Speaker, as well for this petition and book, as for that other petition and book for the like effect that was delivered the last session of parliament, which Mr. Speaker sent to her majesty. On Tuesday the twenty-eighth of February her majesty sent for Mr. Speaker, by occasion whereof the house did not sit. On Wednesday the first

day of March Mr. Wentworth delivered to Mr. Speaker certain articles, which contained questions touching the liberties of the house, and to some of which he was to answer, and desired they might be read. Mr. Speaker desired him to spare his motion, until her majesty's pleasure was farther known touching the petition and book lately delivered into the house; but Mr. Wentworth would not be so satisfied, but required his articles might be read. Mr. Wentworth introduced his queries by lamenting that he as well as many others were deterred from speaking by their want of knowledge and experience in the liberties of the house; and the queries were as follow: Whether this council were not a place for any member of the same here assembled freely, and without controlment of any person, or danger of laws, by bill or speech to utter any of the griefs of this commonwealth whatsoever, touching the service of God, the safety of the prince and this noble realm? Whether that great honour may be done unto God, and benefit and service unto the prince and state, without free speech in this council, that may be done with it? Whether there be any council which can make, add, or diminish from the laws of the realm, but only this council of parliament? Whether it be not against the orders of this council to make any secret or matter of weight, which is here in hand, known to the prince, or any other, concerning the high service of God, prince or state, without the consent of the house? Whether the speaker or any other may interrupt any member of this council in his speech used in this house tending to any of the forenamed services? Whether the speaker may rise when he will, any matter being propounded, without consent of the house or not? Whether the speaker may over-rule the house in any matter or cause there in question, or whether he is to be ruled or over-ruled in any matter or not? Whether the prince and state can continue, and stand, and be maintained, without this council of parliament, not altering the government of the state? At the end of these questions, says sir Simon D'Ewes, I found set down this short note or memorial ensuing; by which it may be perceived both what serjeant Puckering, the speaker, did with the said questions after he had received them, and what became also of this business, viz. 'These questions Mr. Puckering pocketed up and shewed sir Thomas Henage, who so handled the matter that Mr. Wentworth went to the tower, and the questions not at all moved. Mr. Buckler of Essex herein brake his faith in forsaking the matter, &c. and no more was done.' After setting down, continues sir Simon D'Ewes, the said business of Mr. Wentworth in the original journal book, there follows only this short conclusion of the day itself, viz. 'This day, Mr. Speaker being sent for to the queen's majesty, the house departed. On Thursday the second of March Mr. Cope, Mr. Lewkenor, Mr. Hurlston, and Mr. Bainbrigg, were sent for to my lord chancellor, and by divers of the privy council, and from thence were sent to the tower. On Saturday, the fourth day of March, sir John Higham made a motion to this house, for that divers good and necessary members thereof were taken from them, that it would please them to be humble petitioners to her majesty for the restitution of them again to this house. To which speeches Mr. Vice-chamberlain answered, that if the gentlemen were committed for matter within the compass of the privilege of the house, then there might be a petition; but if not, then we should give consent to her majesty's farther displeasure; and therefore advised to stay until they heard more, which could not be long: and farther he said, touching the book and the petition, her majesty had, for divers good causes best known to herself, thought fit to suppress the same, without any farther examination thereof; and yet thought it very unfit for her majesty to give any account of her doings.—But, whatsoever Mr. Vice-chamberlain pretended, it is most probable these members were committed for intermeddling with matters touching the church, which her majesty had often inhibited, and which had caused so much disputation and so many meetings between the two houses the last parliament.

This is all we find of the matter in sir Simon D'Ewes and Townsend; and it appears that those members who had been committed were detained in custody till the queen thought proper to release them. These questions of Mr. Wentworth are curious, because they contain some faint dawn of the present English constitution; though suddenly eclipsed by the arbitrary government of Elizabeth. Wentworth was indeed, by his puritanism, as well as his love of liberty (for these two characters of such unequal merit arose and advanced together), the true forerunner of the Hambdens, the Pyms, and the Hollises, who in the next age, with less courage, because with less danger, rendered their principles so triumphant. I shall only

ask whether it be not sufficiently clear, from all these transactions, that in the two succeeding reigns it was the people who encroached upon the sovereign; not the sovereign who attempted, as is pretended, to usurp upon the people?

[b] Camden, p. 528. [c] Jebb, vol. ii. p. 293. [d] Camden, p. 529. Jebb, vol. ii. p. 295. [e] Camden, p. 494. [f] Du Maurier. [g] Spotswood, p. 351. [h] Ibid. p. 353. [i] Ibid. p. 354. [k] Digges, p. 276. Strype, vol. ii. p. 48, 135, 136, 139. [l] Camden, p. 533. [m] Ibid. [n] Ibid. p. 534.

[o] It appears, by some letters published by Strype, vol. iii. book 2, c. 1, that Elizabeth had not expressly communicated her intention to any of her ministers, not even to Burleigh: they were such experienced courtiers, that they knew they could not gratify her more than by serving her without waiting till she desired them.

[p] Camden, p. 534. Jebb, vol. ii. p. 301. MS. in the Advocates' Library, p. 2, from the Cott. Lib. Cal. c. 9. [q] Jebb, vol. ii. p. 302. [r] Ibid. p. 489. [s] Ibid. p. 302, 626. Camden, p. 534. [t] Jebb, vol. ii. p. 489. [u] MS. p. 4. Jebb, vol. ii. p. 634. Strype, vol. iii. p. 384. [x] MS. p. 8, 9, 10, 11. Strype, vol. iii. p. 385. [y] MS. p. 15. Jebb, vol. ii. p. 307, 491, 637. [z] Jebb, ibid.

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[a] Jebb, p. 307, 492. [b] Camden, p. 536. Strype, vol. iii. Appendix, p. 145. Jebb, vol. ii. p. 608. [c] Camden, p. 536. Spotswood, p. 358. [d] Camden, p. 538. [e] Ibid. Strype, vol. iii. p. 375, 376. MS. in the Advocates' Library, A. 3, 28, p. 17, from the Cott. Lib. Calig. c. 9. Biogr. Brit. p. 1625, 1627. [f] Strype, vol. iii. p. 377. Spotswood. [g] Camden, p. 540. Sir William Monson's Naval Tracts in Churchill's Voyages, vol. iii. p. 156. [h] Birch's Memoirs, vol. i. p. 57. [i] Bentivoglio, part 2, lib. 4. Strype, vol. iv. N° 246. [k] Rymer, tom. xv. p. 66. [l] Camden. Strype, vol. iii. p. 512. [m] Bentivoglio, part 2, lib. 4. [n] Monson, p. 256. [o] Ibid. p. 268. [p] Ibid. p. 157. [q] Ibid. p. 321. [r] Ibid. p. 267. [s] Lives of the Admirals, vol. i. p. 451.

[t] She made him some promises which she never fulfilled, to give him a dukedom in England, with suitable lands and revenue, to settle five thousand pounds a year on him, and pay him a guard, for the safety of his person. From a MS. of lord Royston's.

[u] Strype, vol. iii. p. 524. [x] Stowe, p. 747.

[y] The queen's speech *in* the camp of Tilbury was in these words: 'My loving people, we have been persuaded by some, that are careful of our safety, to take heed how we commit ourselves to armed multitudes, for fear of treachery; but assure you, I do not desire to live to distrust my faithful and loving people. Let tyrants fear: I have always so behaved myself that, under God, I have placed my chiefest strength and safeguard in the loyal hearts and good will of my subjects. And therefore I am come amongst you at this time, not as for my recreation or sport, but being resolved, in the midst and heat of the battle, to live or die amongst you all; to lay down, for my God, and for my kingdom, and for my people, my honour and my blood, even in the dust. I know I have but the body of a weak and feeble woman, but I have the heart of a king, and of a king of England too; and think foul scorn that Parma or Spain, or any prince of Europe, should dare to invade the borders of my realms: to which, rather than any dishonour should grow by me, I myself will take up arms; I myself will be your general, judge, and rewarder of every one of your virtues in the field. I know already, by your forwardness, that you have deserved rewards and crowns; and we do assure you, on the word of a prince, they shall be duly paid you. In the mean time my lieutenant-general shall be in my stead, than whom never prince commanded a more noble and worthy subject; not doubting by your obedience to my general, by your concord in the camp, and your valour in the field, we shall shortly have a famous victory over those enemies of my God, of my kingdom, and of my people.'

[z] Camden, p. 545.

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[a] Strype, vol. iii. Append. p. 221. [b] Monson, p. 157. [c] Ibid. p. 158. [d] Bentivoglio, part 2, lib. 4.

[e] Strype, vol. iii. p. 525. On the fourth of September, soon after the dispersion of the Spanish Armada, died the earl of Leicester, the queen's great, but unworthy favourite. Her affection for him continued to the last. He had discovered no conduct in any of his military enterprises, and was suspected of cowardice; yet she entrusted him with the command of her armies during the danger of the Spanish invasion; a partiality which might have proved fatal

to her, had the duke of Parma been able to land his troops in England. She had even ordered a commission to be drawn for him, constituting him her lieutenant in the kingdoms of England and Ireland; but Burleigh and Hatton represented to her the danger of entrusting such unlimited authority in the hands of any subject, and prevented the execution of that design. No wonder that a conduct so unlike the usual jealousy of Elizabeth, gave reason to suspect that her partiality was founded on some other passion than friendship. But Elizabeth seemed to carry her affection to Leicester no farther than the grave: she ordered his goods to be disposed of at a public sale, in order to reimburse herself of some debt which he owed her; and her usual attention to money was observed to prevail over her regard to the memory of the deceased. This earl was a great hypocrite, a pretender to the strictest religion, an encourager of the puritans, and a founder of hospitals.

[f] Strype, vol. iii. p. 542. Id. Append. p. 239. There are some singular passages in this last speech which may be worth taking notice of, especially as they came from a member who was no courtier; for he argues against the subsidy: 'And first,' says he, 'for the necessity thereof I cannot deny, but if it were a charge imposed upon us by her majesty's commandment, or a demand proceeding from her majesty by way of request, that I think there is not one among us all, either so disobedient a subject in regard of our duty, or so unthankful a man in respect of the inestimable benefits which, by her or from her, we have received, which would not with frank consent, both of voice and heart, most willingly submit himself thereunto, without any unreverend enquiry into the causes thereof; for it is continually in the mouth of us all, that our lands, goods, and lives, are at our prince's disposing. And it agreeth very well with that position of the civil law which sayeth, "Quod omnia regis sunt." But how? "Ita tamen ut omnium sint. Ad regem enim potestas omnium pertinet; ad singulos proprietas." So that although it must be true that her majesty hath over ourselves and our goods, potestatem imperandi; yet it is true that until that power command (which, no doubt, will not command without very just cause) every subject hath his own proprietatem possidendi. Which power and commandment from her majesty, which we have not yet received, I take it (saving reformation) that we are freed from the cause of necessity. And the cause of necessity is the dangerous estate of the commonwealth,' &c. The tenor of the speech pleads rather for a general benevolence than a subsidy: for the law of Richard III against benevolence was never conceived to have any force. The member even proceeds to assert with some precaution, that it was in the power of a parliament to refuse the king's demand of a subsidy; and that there was an instance of that liberty in Henry III's time, near four hundred years before. Sub fine.

[g] D'Ewes, p. 438. [h] Strype's Life of Whitgift, p. 280. Neal, vol. i. p. 500. [i] D'Ewes, p. 434. [k] Ibid. p. 440. [l] Ibid. p. 444.

[m] Si rixa est, ubi tu pulsas, ego vapulo tantum.—JUV.

[n] We may judge of the extent and importance of these abuses by a speech of Bacon's against purveyors, delivered in the first session of the first parliament of the subsequent reign, by which also we may learn that Elizabeth had given no redress to the grievances complained of. 'First,' says he, 'they take in kind what they ought not to take; secondly, they take in quantity a far greater proportion than cometh to your majesty's use; thirdly, they take in an unlawful manner, in a manner, I say, directly and expressly prohibited by the several laws. For the first, I am a little to alter their name; for instead of takers they become taxers: instead of taking provisions for your majesty's service, they tax your people ad redimendam vexationem; imposing upon them and extorting from them divers sums of money, sometimes in gross, sometimes in the nature of stipends annually paid, ne noceant, to be freed and eased of their oppression. Again, they take trees, which by law they cannot do; timber trees, which are the beauty, countenance, and shelter, of men's houses; that men have long spared from their own purse and profit; that men esteem for their use and delight above ten times the value; that are a loss which men cannot repair or recover. These do they take, to the defacing and spoiling of your subjects' mansions and dwellings, except they may be compounded with to their own appetites. And if a gentleman be too hard for them while he is at home, they will watch their time when there is but a bailiff or a servant remaining, and put the axe to the root of the tree, ere ever the master can stop it. Again, they use a strange and most unjust exaction in causing the subjects to pay poundage of their own debts,

due from your majesty unto them: so as a poor man, when he has had his hay, or his wood, or his poultry (which perchance he was full loath to part with, and had for the provision of his own family, and not to put to sale) taken from him, and that not at a just price, but under the value, and cometh to receive his money, he shall have after the rate of twelve pence in the pound abated for poundage of his due payment upon so hard conditions. Nay, farther, they are grown to that extremity (as is affirmed, though it be scarce credible, save that in such persons all things are credible), that they will take double poundage, once when the debenture is made, and again the second time when the money is paid. For the second point, most gracious sovereign, touching the quantity which they take far above that which is answered to your majesty's use; it is affirmed unto me by divers gentlemen of good report, as a matter which I may safely avouch unto your majesty, that there is no pound profit which redoundeth unto your majesty in this course, but induceth and begetteth three pound damage upon your subjects, beside the discontentment. And to the end they may make their spoil more securely, what do they? Whereas divers statutes do strictly provide, that whatsoever they take shall be registered and attested, to the end that by making a collation of that which is taken from the country and that which is answered above, their deceits might appear, they, to the end to obscure their deceits, utterly omit the observation of this, which the law prescribeth. And therefore to descend, if it may please your majesty, to the third sort of abuse, which is of the unlawful manner of their taking, whereof this question is a branch; it is so manifold, as it rather asketh an enumeration of some of the particulars than a prosecution of all. For their price, by law they ought to take as they can agree with the subject; by abuse, they take at an imposed and enforced price: by law they ought to make but one apprizement by neighbours in the country; by abuse, they make a second apprizement at the court gate, and when the subjects' cattle come up many miles, lean and out of plight by reason of their travel, then they prize them anew at an abated price: by law, they ought to take between sun and sun; by abuse, they take by twilight and in the night time, a time well chosen for malefactors: by law, they ought not to take in the highways (a place by her majesty's high prerogative protected, and by statute by special words excepted); by abuse, they take in the highways: by law, they ought to shew their commission, &c. A number of other particulars there are, &c.' Bacon's Works, vol. iv. p. 305, 306.

Such were the abuses which Elizabeth would neither permit her parliaments to meddle with nor redress herself. I believe it will readily be allowed that this slight prerogative alone, which has passed almost unobserved amidst other branches of so much greater importance, was sufficient to extinguish all regular liberty. For what elector, or member of parliament, or even juryman, durst oppose the will of the court, while he lay under the lash of such an arbitrary prerogative? For a farther account of the grievous and incredible oppressions of purveyors see the Journals of the House of Commons, vol. i. p. 190. There is a story of a carter which may be worth mentioning on this occasion. 'A carter had three times been at Windsor with his cart to carry away, upon summons of a remove, some part of the stuff of her majesty's wardrobe; and when he had repaired thither once, twice, and the third time, and that they of the wardrobe had told him the third time that the remove held not, the carter, clapping his hand on his thigh, said, "Now I see that the queen is a woman as well as my wife." Which words being overheard by her majesty, who then stood at the widow, she said, "What a villain is this?" and so sent him three angels to stop his mouth.' Birch's Memoirs, vol. i. p. 155.

[n] See the Statutes under this head of Purveyance. [o] D'Ewes, p. 432, 433.

[q] An act was passed this session, enforcing the former statute, which imposed twenty pounds a month on every one absent from public worship: but the penalty was restricted to two-thirds of the income of the recusant. 29 Eliz. cap. 6.

[r] Birch's Memoirs of queen Elizabeth, vol. i. p. 61. Monson, p. 267, says that there were only fourteen thousand soldiers and four thousand seamen in the whole on this expedition: but the account contained in Dr. Birch is given by one of the most considerable of the adventurers.

[s] Monson, p. 267. [t] Ibid. p. 159. [u] Birch's Memoirs, vol. i. p. 61. [x] Ibid. p. 61. [y] Monson, p. 161. [z] Winwood, vol. i. p. 41.

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[a] Melvil, p. 166, 177. [b] Ibid. p. 180. [c] Spotswood, p. 381.

[d] 'This year the nation suffered a great loss by the death of sir Francis Walsingham, secretary of state; a man equally celebrated for his abilities and his integrity. He had passed through many employments, had been very frugal in his expense, yet died so poor that his family was obliged to give him a private burial. He left only one daughter, first married to sir Philip Sidney, then to the earl of Essex, favourite of queen Elizabeth, and lastly to the earl of Clanricarde of Ireland. The same year died Thomas Randolph, who had been employed by the queen in several embassies to Scotland; as did also the earl of Warwick, elder brother to Leicester.

[e] Camden, p. 561. [f] Rymer, tom. xiv. p. 116. [g] Birch's Negociations, p. 5. Rymer, tom. xiv. p. 123, 140. [h] Camden, p. 562. [i] Rymer, vol. xvi. p. 151, 168, 171, 173.

[k] This action of sir Richard Greenville is so singular as to merit a more particular relation. He was engaged alone with the whole Spanish fleet of fifty-three sail, which had ten thousand men on board; and from the time the fight began, which was about three in the afternoon, to the break of day next morning, he repulsed the enemy fifteen times, though they continually shifted their vessels, and boarded with fresh men. In the beginning of the action he himself received a wound; but he continued doing his duty above deck till eleven at night, when receiving a fresh wound, he was carried down to be dressed. During this operation he received a shot in the head, and the surgeon was killed by his side. The English began now to want powder; all their small arms were broken or become useless: of this number, which were but a hundred and three at first, forty were killed, and almost all the rest wounded; their masts were beat overboard, their tackle cut in pieces, and nothing but a hulk left, unable to move one way or other. In this situation sir Richard proposed to the ship's company to trust to the mercy of God, not to that of the Spaniards, and to destroy the ship with themselves, rather than yield to the enemy. The master gunner, and many of the seamen, agreed to this desperate resolution; but others opposed it, and obliged Greenville to surrender himself prisoner. He died a few days after, and his last words were, 'Here die I, Richard Greenville, with a joyful and quiet mind; for that I have ended my life as a true soldier ought to do, fighting for his country, queen, religion, and honour: my soul willingly departing from this body, leaving behind the lasting fame of having behaved as every valiant soldier is in his duty bound to do.' The Spaniards lost in this sharp, though unequal, action four ships, and about a thousand men: and Greenville's vessel perished soon after with two hundred Spaniards in her. Hackluyt's Voyages, vol. ii. part 2, p. 169. Camden, p. 565.

[l] Monson, p. 163. [m] Ibid. p. 169. [n] Ibid. p. 165. Camden, p. 569. [o] Strype, vol. iii. [p] D'Ewes, p. 460, 469. Townsend, p. 37. [q] D'Ewes, p. 470. Townsend, p. 45. [r] D'Ewes, p. 497. [s] Ibid. p. 474. Townsend, p. 60. [t] D'Ewes, p. 474, 478. Townsend, p. 68. [u] Heylin's History of the Presbyterians, p. 320. [x] 35 Eliz. c. 1.

[y] After enacting this statute the clergy, in order to remove the odium from themselves, often took care that recusants should be tried by the civil judges at the assizes, rather than by the ecclesiastical commissioners. Strype's Ann. vol. iv. p. 264.

[z] D'Ewes, p. 483, 487, 488. Townsend, p. 66.

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[a] D'Ewes, p. 466. Townsend, p. 47. [b] Ibid. Ibid. p. 48. [c] Spotswood, p. 391. Rymer, tom. xvi. p. 190. [d] Spotswood, p. 393. Rymer, tom. xvi. p. 235. [e] Spotswood, p. 257, 258. [f] Camden, p. 577. Birch's Negoc. p. 15. Bacon, vol. iv. p. 381. [g] Camden, p. 582. [h] Ibid. p. 578. [i] Ibid. p. 586. [k] Ibid. p. 584. [l] Monson, p. 167. [m] Camden, p. 591. [n] Monson, p. 196. [o] Birch's Memoirs, vol. ii. p. 97. [p] Ibid. p. 121. [q] Camden, p. 593. [r] Sidney's Papers, vol. ii. p. 77. [s] Monson, p. 173. [t] Ibid. p. 174.

[u] It is usual for the speaker to disqualify himself for the office; but the reasons employed by this speaker are so singular that they may be worth transcribing. 'My estate,' said he, 'is nothing correspondent for the maintenance of this dignity; for my father dying, left me a younger brother, and nothing to me but my bare annuity. Then growing to man's estate, and some small practice of the law, I took a wife, by whom I have had many children; the keeping of us all being a great impoverishing to my estate, and the daily living of us all nothing but my daily industry. Neither from my person nor my nature doth this choice arise: for he that supplieth this place ought to be a man big and comely, stately and well spoken, his

voice great, his carriage majestical, his nature haughty, and his purse plentiful and heavy: but contrarily the stature of my body is small, myself not so well spoken, my voice low, my carriage lawyer-like, and of the common fashion, my nature soft and bashful, my purse thin, light, and never yet plentiful. If Demosthenes, being so learned and eloquent as he was, one whom none surpassed, trembled to speak before Phocion at Athens, how much more shall I, being unlearned and unskilful to supply the place of dignity, charge, and trouble, to speak before so many Phocions as here be? Yea, which is the greatest, before the unspeakable majesty and sacred personage of our dread and dear sovereign: the terror of whose countenance will appal and abase even the stoutest hearts; yea, whose very name will pull down the greatest courage. For how mightily do the estate and name of a prince deject the haughtiest stomach even of their greatest subjects?' D'Ewes, p. 459.

[x] D'Ewes, p. 525, 527. Townsend, p. 79.

[y] D'Ewes, p. 539, 540, 580, 585. Townsend, p. 93, 94, 95. [z] D'Ewes, p. 576, 577.

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[a] D'Ewes, p. 570, 573. [b] Ibid. p. 547.

[c] Ibid. p. 557, 558.

[d] Cabala, p. 234. Birch's Memoirs, vol. ii. p. 386. Speed, p. 877. The whole letter of Essex is so curious and so spirited, that the reader may not be displeased to read it. 'My very good lord, though there is not that man this day living whom I would sooner make judge of any question that might concern me than yourself, yet you must give me leave to tell you that in some cases I must appeal from all earthly judges: and if any, then surely in this, when the highest judge on earth has imposed on me the heaviest punishment, without trial or hearing. Since then I must either answer your lordship's argument, or else forsake mine own just defence, I will force mine aching head to do me service for an hour. I must first deny my discontent, which was forced, to be an humorous discontent; and that it was unseasonable, or is of so long continuing, your lordship should rather condole with me than expostulate: natural seasons are expected here below, but violent and unseasonable storms come from above: there is no tempest equal to the passionate indignation of a prince; nor yet at any time so unseasonable as when it lighteth on those that might expect a harvest of their careful and painful labours. He that is once wounded must needs feel smart till his hurt is cured, or the part hurt become senseless: but cure I expect none, her majesty's heart being obdurate against me; and be without sense I cannot, being of flesh and blood. But, say you, I may aim at the end: I do more than aim; for I see an end of all my fortunes, I have set an end to all my desires. In this course do I any thing for my enemies? When I was at court I found them absolute; and therefore I had rather they should triumph alone than have me attendant upon their chariots. Or do I leave my friends? When I was a courtier I could yield them no fruit of my love unto them, and now that I am a hermit they shall bear no envy for their love towards me. Or do I forsake *myself*, because I do enjoy myself? Or do I overthrow my fortunes, because I build not a fortune of paper walls, which every puff of wind bloweth down? Or do I ruinate mine honour, because I leave following the pursuit, or wearing the false badge or mark of the shadow of honour? Do I give courage or comfort to the foreign foe, because I reserve myself to encounter with him? Or because I keep my heart from business, though I cannot keep my fortune from declining? No, no, my good lord, I give every one of these considerations its due weight; and the more I weigh them, the more I find myself justified from offending in any of them. As for the two last objections, that I forsake my country when it hath most need of me, and fail in that indissoluble duty which I owe to my sovereign; I answer, that if my country had at this time any need of my public service, her majesty, that governeth it, would not have driven me to a private life. I am tied to my country by two bonds: one public, to discharge carefully and industriously that trust which is committed to me; the other private, to sacrifice for it my life and carcase which hath been nourished in it. Of the first I am free, being dismissed, discharged, and disabled by her majesty; of the other nothing can free me but death, and therefore no occasion of my performance shall sooner *offer itself* but I shall meet it half way. The indissoluble duty which I owe unto her majesty is only the duty of allegiance, which I never have nor never can fail in: the duty of attendance is no indissoluble duty. I owe her majesty the duty of an earl, and of lord marshal of England. I have been content to do her majesty the service of a clerk; but I can never serve her as a villain or slave.

But yet you say I must give way unto the time. So I do; for now that I see the storm come, I have put myself into the harbour. Seneca saith, we must give way to fortune: I know that fortune is both blind and strong, and therefore I go as far as I can out of her way. You say the remedy is not to strive: I neither strive nor seek for remedy. But you say I must yield and submit; I can neither yield myself to be guilty, nor allow the imputation laid upon me to be just: I owe so much to the Author of all truth, as I can never yield truth to be falsehood, nor falsehood to be truth. Have I given cause, you ask, and yet take a scandal when I have done? No; I gave no cause, not so much as Fimbria's complaint against me; for I did totum telum corpore recipere, receive the whole sword into my body. I patiently bear all, and sensibly feel all that I then received when this scandal was given me. Nay more, when the vilest of all indignities are done unto me,' &c. This noble letter Bacon afterwards, in pleading against Essex, called bold and presumptuous, and derogatory to her majesty. Birch's Memoirs, vol. ii. p. 388.

[t] Rymer, vol. xvi. p. 340.

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[a] Sir J. Davies, p. 5, 6, 7, &c. [b] Ibid. p. 102, 103, &c. [c] Ibid. p. 133, 134, &c. [d] See Spencer's Account of Ireland throughout. [e] Memoirs of the Sidneys, vol. i. p. 86. [f] Cox, p. 342. Sidney, vol. i. p. 85, 200. [g] Camden, p. 542. Sidney, vol. i. p. 65, 109, 183, 184. [h] Camden, p. 385, 391. [i] Ibid. p. 409. [k] Ibid. Cox, p. 324. [l] Ibid. p. 321. [m] Cox, p. 350. [n] Camden, p. 424. [o] Ibid. p. 430. Cox, p. 354. [p] Stowe, p. 720. [q] Camden, p. 566. [r] Nanton's Fragmenta Regalia, p. 203. [s] Cox, p. 415. [t] Bacon, vol. iv. p. 512. [u] Cabala, p. 79. [x] Rymer, tom. xvi. p. 366. [y] Camden. Osborne, p. 371. [z] Birch's Memoirs, vol. ii. p. 421, 451.

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[a] Birch's Memoirs, vol. ii. p. 431. Bacon, vol. iv. p. 512. [b] Birch's Memoirs, vol. ii. p. 448. [c] Winwood, vol. i. p. 140. [d] Cox, p. 421. [e] Birch's Memoirs, vol. ii. p. 430. Cox, p. 421. [f] Sidney's Letters, vol. ii. p. 112, 113. [g] Ibid. p. 125. [h] Winwood, vol. i. p. 307. State Trials. Bacon, vol. iv. p. 514, 535, 537. [i] Birch's Memoirs, vol. ii. p. 453. [k] Winwood, vol. i. p. 118. [l] Sidney's Letters, vol. ii. p. 127. [m] Birch's Memoirs, p. 444, 445. Sidney's Letters, vol. ii. p. 196. [n] Sidney's Letters, vol. ii. p. 151. [o] Ibid. p. 139. [p] Ibid. p. 153. [q] Ibid. p. 155, 156. [r] Birch's Memoirs, p. 444. [s] Camden, p. 617. [t] Birch's Memoirs, vol. ii. p. 449. [u] Sidney's Letters, vol. ii. p. 200. [x] Ibid. p. 200, 201. [y] Birch's Memoirs, vol. ii. p. 454. Camden, p. 626, 627. [z] Cabala, p. 78.

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[a] Cabala, p. 83. [b] Winwood, vol. i. p. 254. [c] Birch's Memoirs, vol. ii. p. 462. [d] Camden, p. 628. [e] Birch's Memoirs, vol. ii. p. 472. [f] Camden, p. 628. [g] Cabala, p. 79. [h] Birch's Memoirs, vol. ii. p. 463. Camden, p. 630. [i] Camden, p. 629. Osborne, p. 397. Sir Walter Raleigh's Prerogative of Parliament, p. 43. [k] Birch's Memoirs, vol. ii. p. 442, 443. [l] Sidney's Letters, vol. ii. p. 171.

[m] Most of queen Elizabeth's courtiers feigned love and desire towards her, and addressed themselves to her in the style of passion and gallantry. Sir Walter Raleigh, having fallen into disgrace, wrote the following letter to his friend sir Robert Cecil, with a view, no doubt, of having it shewn to the queen. 'My heart was never broke till this day, that I hear the queen goes away so far off, whom I have followed so many years, with so great love and desire, in so many journeys, and am now left behind her in a dark prison all alone. While she was yet near at hand, that I might hear of her once in two or three days, my sorrows were the less; but even now my heart is cast into the depth of all misery. I, that was wont to behold her riding like Alexander, hunting like Diana, walking like Venus, the gentle wind blowing her fair hair about her pure cheeks, like a nymph, sometimes sitting in the shade like a goddess, sometimes singing like an angel, sometimes playing like Orpheus; behold the sorrow of this world! once amiss hath bereaved me of all. O glory that only shineth in misfortune! what is become of thy assurance? All wounds have scars but that of fantasy; all affections their relenting but that of womankind, Who is the judge of friendship but adversity, or when is grace witnessed but in offences? There were no divinity but by reason of compassion; for revenges are brutish and mortal, All those times past, the loves, the sighs, the sorrows, the desires, cannot they weigh down

one frail misfortune? Cannot one drop of gall be hid in so great heaps of sweetness? I may then conclude, Spes et fortuna, valete; she is gone in whom I trusted, and of me hath not one thought of mercy, nor any respect of that which was. Do with me now therefore what you list. I am more weary of life than they are desirous I should perish; which if it had been for her, as it is by her, I had been too happily born.' Murden, p. 657. It is to be remarked that this nymph, Venus, goddess, angel, was then about sixty. Yet five or six years after she allowed the same language to be held to her. Sir Henry Unton, her ambassador in France, relates to her a conversation which he had with Henry IV. The monarch, after having introduced Unton to his mistress, the fair Gabrielle, asked him how he liked her? 'I answered sparingly in her praise,' said the minister, 'and told him that, if without offence I might speak it, I had the picture of a far more excellent mistress, and yet did her picture come far short of her perfection of beauty.' 'As you love me,' said he, 'shew it me if you have it about you.' 'I made some difficulties, yet, upon his importunity, offered it to his view very secretly, holding it still in my hand: he beheld it with passion and admiration, saying that I had reason,' Je me rends, protesting that he had never seen the like; so, with great reverence, he kissed it twice or thrice, I detaining it still in my hand. In the end, with some kind of contention, he took it from me, vowing that I might take my leave of it, for he would not forego it for any treasure; and that, to possess the favour of the lively picture, he would forsake all the world, and hold himself most happy; with many other most passionate speeches.' Murden, p. 718. For farther particulars on this head, see the ingenious author of the Catalogue of royal and noble Authors, article Essex.

[n] Birch's Memoirs, vol. ii. p. 471. [o] Winwood's Memorials, vol. i. p. 186—226. [p] Camden, p. 630. Birch's Memoirs, vol. ii. p. 464. State Trials. Bacon, vol. iv. p. 542, 543. [q] Camden, p. 632. [r] Birch's Memoirs, vol. ii. p. 469. [s] Bacon, vol. iv. p. 530. [t] Winwood, vol. i. p. 300. [u] Ibid. p. 302. [x] Dr. Barlow's sermon on Essex's execution. Bacon, vol. iv. p. 534. [y] Murden, p. 811. [z] Birch's Memoirs, vol. ii. p. 510.

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[a] Osborne, p. 615. [b] Spotswood, p. 471, 472. [c] Winwood, vol. i. p. 352. [d] Spotswood, p. 471. [e] Camden, p. 643. [f] Rymer, tom. xvi. p. 414. [g] Camden, p. 644. [h] Ibid. p. 645. [i] Winwood, vol. i. p. 369. [k] D'Ewes, p. 629. [l] Ibid. [m] Ibid. p. 602. Osborne, p. 604. [n] D'Ewes, p. 648, 650, 652. [o] Ibid. p. 648. [p] Ibid. p. 647. [q] Ibid. p. 644, 646, 652. [r] Ibid. p. 653. [s] Ibid. p. 644, 675. [t] Ibid. p. 644, 649. [u] Ibid. p. 646, 654. [x] Ibid. p. 649. [y] Ibid. [z] Ibid. p. 640, 646.

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[a] It may not be amiss to subjoin some passages of these speeches, which may serve to give us a just idea of the government of that age, and of the political principles which prevailed during the reign of Elizabeth. Mr. Laurence Hyde proposed a bill, intituled, 'An act for the explanation of the common law in certain cases of letters patent.' Mr. Spicer said, 'This bill may touch the prerogative royal, which, as I learned the last parliament, is so transcendent, that the ——— of the subject may not aspire thereunto. Far be it therefore from me that the state and prerogative royal of the prince should be tied by me, or by the act of any other subject.' Mr. Francis Bacon said, 'As to the prerogative royal of the prince, for my own part, I ever allowed of it; and it is such as I hope will never be discussed. The queen, as she is our sovereign, hath both an enlarging and restraining power: for by her prerogative she may set at liberty things restrained by statute law or otherwise, and, secondly, by her prerogative she may restrain things which be at liberty. For the first, she may grant a non obstante contrary to the penal laws. With regard to monopolies, and such like cases, the case hath ever been to humble ourselves unto her majesty, and by petition desire to have our grievances remedied, especially when the remedy toucheth her so nigh in point of prerogative. I say, and I say it again, that we ought not to deal, to judge, or meddle with her majesty's prerogative. I wish, therefore, every man to be careful of this business.' Dr. Bennet said, 'He that goeth about to debate her majesty's prerogative had need to walk warily.' Mr. Laurence Hyde said, 'For the bill itself, I made it, and I think I understand it: and far be it from this heart of mine to think, this tongue to speak, or this hand to write, any thing either in prejudice or derogation of her majesty's prerogative royal and the

state.' Mr. Speaker, quoth serjeant Harris, 'For ought I see, the house moveth to have this bill in the nature of a petition; it must then begin with more humiliation: and truly, sir, the bill is good of itself, but the penning of it is somewhat out of course.' Mr. Montagu said, 'The matter is good and honest, and I like this manner of proceeding by bill well enough in this matter. The grievances are great, and I would note only unto you thus much, that the last parliament we proceeded by way of petition, which had no successful effect.' Mr. Francis More said, 'I know the queen's prerogative is a thing curious to be dealt withal: yet all grievances are not comparable. I cannot utter with my tongue, or conceive with my heart, the great grievances that the town and country, for which I serve, suffereth by some of these monopolies. It bringeth the general profit into a private hand, and the end of all this is beggary and bondage to the subjects. We have a law for the true and faithful currying of leather: there is a patent sets all at liberty notwithstanding that statute. And to what purpose is it to do any thing by act of parliament, when the queen will undo the same by her prerogative? Out of the spirit of humiliation, Mr. Speaker, I do speak it, there is no act of her's that hath been or is more derogatory to her own majesty, more odious to the subject, more dangerous to the commonwealth, than the granting of these monopolies.' Mr. Martin said, 'I do speak for a town that grieves and pines, for a country that groaneth and languishes, under the burden of monstrous and unconscionable substitutes to the monopolitans of starch, tin, fish, cloth, oil, vinegar, salt, and I know not what: nay, what not? The principalest commodities both of my town and country are engrost into the hands of these blood-suckers of the commonwealth. If a body, Mr. Speaker, being let blood, be left still languishing without any remedy, how can the good estate of that body still remain? Such is the state of my town and country; the traffic is taken away, the inward and private commodities are taken away, and dare not be used without the license of these monopolitans. If these blood-suckers be still let alone to suck up the best and principalest commodities, which the earth there hath given us, what will become of us, from whom the fruits of our own soil, and the commodities of our own labour, which, with the sweat of our brows, even up to the knees in mire and dirt, we have laboured for, shall be taken by warrant of supreme authority, which the poor subject dare not gainsay?' Mr. George Moore said, 'We know the power of her majesty cannot be restrained by any act: why therefore should we thus talk? Admit we should make this statute with a non obstante, yet the queen may grant a patent with a non obstante, to cross this non obstante. I think therefore it agreeth more with the gravity and wisdom of this house to proceed with all humbleness by petition than bill.' Mr. Downland said, 'As I would be no let or overvehement in any thing, so I am not sottish or senseless of the common grievance of the commonwealth. If we proceed by way of petition, we can have no more gracious answer than we had the last parliament to our petition: but since that parliament we have no reformation.' Sir Robert Wroth said, 'I speak, and I speak it boldly, these patentees are worse than ever they were.' Mr. Hayward Townsend proposed that they should make suit to her majesty, not only to repeal all monopolies grievous to the subject, but also that it would please her majesty to give the parliament leave to make an act that they might be of no more force, validity, or effect, than they are at the common law, without the strength of her prerogative: 'which though we might now do, and the act being so reasonable, we might assure ourselves her majesty would not delay the passing thereof, yet we, her loving subjects, &c. would not offer, without her privity and consent (the cause so nearly touching her prerogative), or go about to do any such act.'

On a subsequent day the bill against monopolies was again introduced, and Mr. Spicer said, 'It is to no purpose to offer to tie her majesty's hands by act of parliament, when she may loosen herself at her pleasure.' Mr. Davies said, 'God hath given that power to absolute princes which he attributes to himself. Dixi quod Dii estis.' (N. B. This axiom he applies to the kings of England.) Mr. Secretary Cecil said, 'I am servant to the queen, and before I would speak and give consent to a case that should debase her prerogative, or abridge it, I would wish that my tongue were cut out of my head. I am sure there were law-makers before there were laws:' (meaning, I suppose, that the sovereign was above the laws.) 'One gentleman went about to possess us with the execution of the law in an ancient record of 5 or 7 of Edward the Third. Likely enough to be true in that time, when the king was afraid of

the subject. If you stand upon law, and dispute of the prerogative, hark ye what Bracton says, "Prærogativam nostram nemo audeat disputare." And, for my own part, I like not these courses should be taken. And you, Mr. Speaker, should perform the charge her majesty gave unto you in the beginning of this parliament, not to receive bills of this nature: for her majesty's ears be open to all grievances, and her hands stretched out to every man's petitions. When the prince dispenses with a penal law, that is left to the alteration of sovereignty, that is good and irrevocable.' Mr. Montague said, 'I am loth to speak what I know, lest, perhaps, I should displease. The prerogative royal is that which is now in question, and which the laws of the land have ever allowed and maintained. Let us therefore apply by petition to her majesty.'

After the speaker told the house that the queen had annulled many of the patents, Mr. Francis More said, 'I must confess, Mr. Speaker, I moved the house both the last parliament and this, touching this point; but I never meant (and I hope the house thinketh so) to set limits and bounds to the prerogative royal.' He proceeds to move that thanks should be given to her majesty; and also that, whereas divers speeches had been moved extravagantly in the house, which doubtless have been told her majesty, and perhaps ill conceived of by her, Mr. Speaker would apologize, and humbly crave pardon for the same.—N. B. These extracts were taken by Townsend, a member of the house, who was no courtier; and the extravagance of the speeches seems rather to be on the other side: it will certainly appear strange to us that this liberty should be thought extravagant. However, the queen, notwithstanding her cajoling the house, was so ill satisfied with these proceedings, that she spoke of them peevishly in her concluding speech, and told them that she perceived that private respects with them were privately masked under public presence. D'Ewes, p. 619.

There were some other topics in favour of prerogative, still more extravagant, advanced in the house this parliament. When the question of the subsidy was before them, Mr. Serjeant Heyle said, 'Mr. Speaker, I marvel much that the house should stand upon granting of a subsidy or the time of payment, when all we have is her majesty's, and she may lawfully at her pleasure take it from us: yea, she hath as much right to all our lands and goods as to any revenue of her crown.' At which all the house hemmed, and laughed, and talked. 'Well,' quoth serjeant Heyle, 'all your hemming shall not put me out of countenance.' So Mr. Speaker stood up and said, 'It is a great disorder that this house should be so used.' So the said serjeant proceeded, and, when he had spoken a little while, the house hemmed again; and so he sat down. In his latter speech he said he could prove his former position by precedents in the time of Henry the Third, king John, king Stephen, &c. which was the occasion of their hemming. D'Ewes, p. 633. It is observable that Heyle was an eminent lawyer, a man of character. Winwood, vol. i. p. 290. And, though the house in general shewed their disapprobation, no one cared to take him down, or oppose these monstrous positions. It was also asserted this session that, in the same manner as the Roman consul was possessed of the power of rejecting or admitting motions in the senate, the speaker might either admit or reject bills in the house. D'Ewes, p. 677. The house declared themselves against this opinion; but the very proposal of it is a proof at what a low ebb liberty was at that time in England.

In the year 1591 the judges made a solemn decree that England was an absolute empire, of which the king was the head. In consequence of this opinion they determined that, even if the act of the first of Elizabeth had never been made, the king was supreme head of the church; and might have erected, by his prerogative, such a court as the ecclesiastical commission, for that he was the head of all his subjects. Now that court was plainly arbitrary: the inference is, that his power was equally absolute over the laity. See Coke's Reports, p. 5, Caudrey's case.

[s] D'Ewes, p. 654. [t] Ibid. p. 656. [u] Ibid. p. 657.

[w] We learn from Hentzner's Travels that no one spoke to queen Elizabeth without kneeling, though now and then she raised some with waving her hand: nay, wherever she turned her eye, every one fell on his knees. Her successor first allowed his courtiers to omit this ceremony; and, as he exerted not the power, so he relinquished the appearance of despotism. Even when queen Elizabeth was absent, those who covered her table, though persons of quality, neither approached it nor retired from it without kneeling, and that often three times.

[f] D'Ewes, p. 658, 659. [g] Monson, p. 181.
[h] Camden, p. 647.

[i] This year the Spaniards began the siege of Ostend, which was bravely defended for five months by sir Francis Vere. The States then relieved him, by sending a new governor; and on the whole the siege lasted three years, and is computed to have cost the lives of a hundred thousand men.

[k] See the proofs of this remarkable fact collected in Birch's Negociations, p. 206, and Memoirs, vol. ii. p. 481, 505, 506, &c.

[l] Strype, vol. iv. N° 276.

[m] By the ancient constitution is here meant that which prevailed before the settlement of our present plan of liberty. There was a more ancient constitution, where, though the people had perhaps less liberty than under the Tudors, yet the king had also less authority: the power of the barons was a great check upon him, and exercised with great tyranny over them. But there was still a more ancient constitution, viz. that before the signing of the charters, when neither the people nor the barons had any regular privileges; and the power of the government, during the reign of an able prince, was almost wholly in the king. The English constitution, like all others, has been in a state of continual fluctuation.

[n] In a memorial of the state of the realm, drawn by secretary Cecil, in 1569, there is this passage: 'Then followeth the decay of obedience in civil policy; which, being compared with the fearfulness and reverence of all inferior estates to their superiors in times past, will astonish any wise and considerate person, to behold the desperation of reformation.' Haynes, p. 586, again p. 588.

[o] Neal, vol. i. p. 479. [p] Murden, p. 183.
[q] Vol. iv. p. 510. [r] MS. of lord Royston's, from the Paper Office. [s] Strype's Eccles. Memoirs, vol. ii. p. 373, 458, 9. [t] Camden, p. 446. Strype, vol. ii. p. 288. [u] Strype, vol. iii. p. 570. [w] Rymer, vol. xvi. p. 279.

[x] 7 Edw. VI, cap. 20. See Sir John Davis's Question concerning Impositions, p. 9.

[y] In 1588 the lord mayor committed several citizens to prison, because they refused to pay the loan demanded of them. Murden, p. 632.
[z] Harrison, book 2, chap. 11. [a] Haynes, p. 196. See farther la Boderie, vol. i. p. 211.

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[b] To our apprehension, Haywarde's book seems rather to have a contrary tendency: for he has there preserved the famous speech of the bishop of Carlisle, which contains, in the most express terms, the doctrine of passive obedience. But queen Elizabeth was very difficult to please on this head.

[c] Cabala, p. 81. [d] Page 392. [e] Murden, p. 181. [f] Bacon, vol. iv. p. 362.

[g] In the second of Richard II it was enacted that in loans, which the king shall require of his subjects upon letters of privy seal, such as have reasonable excuse of not lending, may there be received without farther summons, travel, or grief. See Cotton's Abridg. p. 170. By this law the king's prerogative of exacting loans was ratified; and what ought to be deemed a reasonable excuse was still left in his own breast to determine.

[h] Haynes, p. 518, 519. [i] D'Ewes, p. 494.
[k] Bacon, vol. iv. p. 362. [l] Monson, p. 267. [m] Strype's Memoirs, vol. i. p. 137.
[n] Camden, p. 388. [o] Annals, vol. iv. p. 234, et seq. [p] Strype, vol. i. p. 27.
[q] Rymer, tom. xv. p. 756. D'Ewes, p. 645.
[r] Murden, p. 325. [s] Townsend's Journals, p. 250. Stowe's Annals. [t] Townsend's Journals, p. 250. Stowe's Annals. Strype, vol. ii. p. 603. [u] Birch's Memoirs, vol. ii. p. 422. [w] Ibid. p. 511. [x] Sir John Davis's Question concerning Impositions, passim. [y] D'Ewes, p. 141. [z] Rymer, tom. xv. p. 652, 708, 777. [a] Rushworth, vol. i. p. 511. Franklyn's Annals, p. 250, 251.
[b] Strype, vol. iv. p. 128, 129.

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[c] It was never fully established that the prisoner could legally produce evidence against the crown, till after the revolution. See Blackstone's Commentaries, vol. iv. p. 352.

[d] State Trials, vol. i. p. 144. Strype, vol. iv. p. 21. Id. Life of Whitgift, p. 343. [e] Ibid. book 4, chap. 11. Neal, vol. i. p. 564.
[f] Strype's Annals, vol. iv. p. 177.

[g] Gifford, a clergyman, was suspended in the year 1584 for preaching up a limited obedience to the civil magistrate. Neal, vol. i. p. 435.

[h] It is remarkable that, in all the historical plays of Shakespeare, where the manners and characters, and even the transactions, of the several reigns are so exactly copied, there is scarcely any mention of civil liberty, which some pretended historians have imagined to be the object of all the ancient quarrels, insurrections, and civil wars. In the elaborate panegyric of England, contained in the tragedy of

Richard II, and the detail of its advantages, not a word of its civil constitution, as anywise different from, or superior to, that of other European kingdoms: an omission which cannot be supposed in any English author that wrote since the Restoration, at least since the Revolution.

[s] Annals, vol. iv. p. 290. [t] D'Ewes, p. 234. [u] Ibid. p. 661—664.

[x] We have remarked before that Harrison, in book 2, chap. 11, says that in the reign of Henry VIII there were hanged seventy-two thousand thieves and rogues (besides other malefactors); this makes about two thousand a year: but in queen Elizabeth's time, the same author says, there were only between three and four hundred a year hanged for theft and robbery: so much had the times mended. But in our age there are not forty a year hanged for those crimes in all England. Yet Harrison complains of the relaxation of the laws, that there were so few such rogues punished in his time. Our vulgar prepossession in favour of the morals of former and rude ages is very absurd and ill grounded. The same author says, chap. 10, that there were computed to be ten thousand gypsies in England; a species of banditi introduced about the reign of Henry VIII; and he adds, that there will be no way of extirpating them by the ordinary course of justice: the queen must employ martial law against them. That race has now almost totally disappeared in England, and even in Scotland, where there were some remains of them a few years ago. However arbitrary the exercise of martial law in the crown, it appears that no body in the age of Elizabeth entertained any jealousy of it.

[y] Birch's Negoc. p. 21. [z] Strype, vol. iv. p. 351. [a] Ibid. p. 215.

There is a curious letter of the queen's, written to a bishop of Ely, and preserved in the register of that see. It is in these words: 'Proud prelate, I understand you are backward in complying with your agreement: but I would have you know that I, who made you what you are, can unmake you; and, if you do not forthwith fulfil your engagement, by God I will immediately unfrock you. Yours, as you demean yourself, Elizabeth.' The bishop, it seems, had promised to exchange some part of the land belonging to the see for a pretended equivalent, and did so, but it was in consequence of the above letter. Annual Register, 1761, p. 15.

[b] Rymer, tom. xvi. p. 141. D'Ewes, p. 151 457, 525, 629. Bacon, vol. iv. p. 363.

[c] D'Ewes, p. 473. I think it impossible to reconcile this account of the public debts with that given by Strype, Eccles. Mem. vol. ii. p. 344, that in the year 1553 the crown owed but three hundred thousand pounds. I own that this last sum appears a great deal more likely. The whole revenue of queen Elizabeth would not in ten years have paid four millions.

[d] Winwood, vol. i. p. 29, 54. [e] Ibid. p. 117, 395. [f] D'Ewes, p. 483. [g] Camden, p. 167. [h] Appendix to the earl of Essex's apology. [i] Birch's Memoirs, vol. ii. [k] Nanton's Regalia, ch. 1.

[l] Franklyn in his Annals, p. 9, says that the profit of the kingdom, besides wards and the duchy of Lancaster (which amounted to about one hundred and twenty thousand pounds), was one hundred and eighty-eight thousand one hundred and ninety-seven pounds. The crown lands seem to be comprehended in this computation.

[m] Camden, p. 558. This account of Camden is difficult or impossible to be reconciled to the state of the customs in the beginning of the subsequent reign, as they appear in the Journals of the Commons. See Hist. of James, chap. 46.

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[n] D'Ewes, p. 630.

[o] Lord Salisbury computed these supplies only at two millions eight hundred thousand pounds. Journ. 17 Feb. 1609. King James was certainly mistaken when he estimated the queen's annual supplies at one hundred and thirty-seven thousand pounds. Franklyn, p. 44. It is curious to observe that the minister, in the war begun in 1754, was in some periods allowed to lavish in two months as great a sum as was granted by parliament to queen Elizabeth in forty-five years. The extreme frivolous object of the late war, and the great importance of hers, set this matter in a still stronger light. Money too, we may observe, was in most particulars of the same value in both periods: she paid eight pence a day to every foot soldier. But our late delusions have much exceeded any thing known in history, not even excepting those of the crusades. For I suppose there is no mathematical, still less an arithmetical demonstration, that the road to the holy land was not the road to paradise, as

there is that the endless increase of national debts is the direct road to national ruin. But, having now completely reached that goal, it is needless at present to reflect on the past. It will be found in the present year, 1776, that all the revenues of this island, north of Trent and west of Reading, are mortgaged or anticipated for ever. Could the small remainder be in a worse condition, were those provinces seized by Austria and Prussia? There is only this difference, that some event might happen in Europe which would oblige these great monarchs to disgorge their acquisitions. But no imagination can figure a situation which will induce our creditors to relinquish their claims, or the public to seize their revenues. So egregious indeed has been our folly, that we have even lost all title to compassion in the numberless calamities that are waiting us.

[r] Strype, vol. iv. p. 124. [s] Stowe's Survey of London, book 1, p. 286. [t] MS. of lord Royston's from the Paper-office, p. 295. [u] Camden, p. 408. [v] Ibid. p. 493. [w] Ibid. p. 418. [x] Ibid. p. 493. [y] Birch's Memoirs, vol. i. p. 36. [z] Lives of the Admirals, vol. i. p. 470. [a] Camden, p. 388. [b] Monson, p. 256. [c] Ibid. p. 300. [d] Ibid. p. 210, 256. [e] Ibid. p. 196. The English navy at present carries about fourteen thousand guns.

[f] Harrison, in his Description of Britain, printed in 1577, has the following passage, chap. 13. 'Certes, there is no prince in Europe that hath a more beautiful sort of ships than the queen's majesty of England at this present: and those generally are of such exceeding force, that two of them being well appointed and furnished as they ought, will not let to encounter with three or four of them of other countries, and either bowge them or put them to flight, if they may not bring them home. The queen's highness hath at this present already made and furnished to the number of one-and-twenty great ships, which lie for the most part in Gillingham road. Beside these, her grace hath other in hand also, of whom hereafter, as their turns do come about, I will not let to leave some farther remembrance. She hath likewise three notable gallies, the Speedwell, the Tryeright, and the Black Galley, with the sight whereof, and the rest of the navy royal, it is incredible to say how marvellously her grace is delighted; and not without great cause, sith by their means her coasts are kept in quiet, and sundry foreign enemies put back, which otherwise would invade us.' After speaking of the merchant ships, which he says are commonly estimated at seventeen or eighteen hundred, he continues. 'I add, therefore, to the end all men should understand somewhat of the great masses of treasure daily employed upon our navy, how there are few of those ships of the first and second sort (that is of the merchant ships), that being apparelled and made ready to sail, are not worth one thousand pounds, or three thousand ducats at the least, if they should presently be sold. What shall we then think of the navy royal, of which some one vessel is worth two of the other, as the shipwright has often told me? It is possible that some covetous person, hearing this report, will either not credit at all, or suppose money so employed to be nothing profitable to the queen's coffers, as a good husband said once, when he heard that provisions should be made for armour, wishing the queen's money to be rather laid out to some speedier return of gain unto her grace: but if he wist that the good keeping of the sea is the safeguard of our land, he would alter his censure, and soon give over his judgment.' Speaking of the forests, this author says, 'An infinite deal of wood hath been destroyed within these few years, and I dare affirm that, if wood do go so fast to decay in the next hundred years of grace as they have done, or are like to do in this, it is to be feared that sea coal will be good merchandize even in the city of London.' Harrison's prophecy was fulfilled in a very few years; for about 1615 there were two hundred sail employed in carrying coal to London. See Anderson, vol. i. p. 494.

[g] Monson, p. 300. [h] Lives of the Admirals, vol. i. p. 432. [i] Strype, vol. iv. p. 221. [k] P. 608. [l] Journ. 25 April 1621. [m] D'Ewes, p. 505. [n] Id. p. 497.

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[o] Haynes, p. 461, 462. [p] Stowe, p. 668. [q] History of the World, vol. ii. p. 222. [r] Anderson, vol. i. p. 421. [s] Ibid. p. 424. [t] 'A compendious or brief Examination of certain ordinary Complaints of divers of our Countrymen. The author says that, in twenty or thirty years before 1581, commodities had in general risen fifty per cent. some more. 'Cannot you, neighbour, remember,' says he, 'that within these thirty years I could in this town buy the best pig or goose I could lay my hands on for four pence, which now costeth

twelve pence, a good capon for three pence or four pence, a chicken for a penny, a hen for two pence?' p. 35. Yet the price of ordinary labour was then eight pence a day, p. 31.

[s] Lives of the Admirals, vol. i. p. 475.

[t] Digges's Complete Ambassador. [u] Strype, vol. iii. Appendix, p. 54.

[x] Harrison, after enumerating the queen's palaces, adds, 'But what shall I need to take upon me to repeat all, and tell what houses the queen's majesty hath? sith all is hers; and when it pleaseth her in the summer season to recreate herself abroad, and view the estate of the country, and hear the complaints of her poor commons, injured by her unjust officers or their substitutes, every nobleman's house is her palace, where she continueth during pleasure, and till she return again to some of her own, in which she remaineth so long as she pleaseth.' Book 2, chap. 15. Surely one may say of such a guest what Cicero says to Atticus on occasion of a visit paid him by Cæsar: 'Hospes tamen non is cui diceres, amabo te, cùdem ad me cum revertère.' Lib. 13. ep. 52. If she relieved the people from oppressions (to whom it seems the law could give no relief), her visits were a great oppression on the nobility.

[y] Biogr. Brit. vol. iii. p. 1791. [z] Strype, vol. iii. p. 394. [a] Stowe, p. 674. [b] Strype, vol. iii. p. 129. Append. [c] Life of Burleigh published by Collins. [d] Ibid. p. 40.

[e] Ibid. p. 44. The author hints that this quantity of plate was considered only as small in a man of Burleigh's rank. His words are, 'his plate was not above fourteen or fifteen thousand pounds:' that he means pounds weight is evident. For, by Burleigh's will, which is annexed to his life, that nobleman gives away in legacies, to friends and relations, near four thousand pounds weight, which would have been above twelve thousand pounds sterling in value. The remainder he orders to be divided into two equal portions; the half to his eldest son and heir, the other half to be divided equally among his second son and three daughters. Were we therefore to understand the whole value of his plate to be only fourteen or fifteen thousand pounds sterling, he left not the tenth of it to the heir of his family.

[f] This appears from Burleigh's will: he specifies only the number of ounces to be given to each legatee, and appoints a goldsmith to see it weighed out to them, without making any distinction of the pieces.

[g] Page 452.

[h] Harrison says, 'the greatest part of our building in the cities and good towns of England consisteth only of timber, cast over with thick clay to keep out the wind. Certes, this rude kind of building made the Spaniards in queen Mary's days to wonder; but chiefly when they saw that large diet was used in many of these so homely cottages, insomuch that one of no small reputation amongst them said after this manner; "These English," quoth he, "have their houses made of sticks and dirt, but they fare commonly so well as the king." Whereby it appeareth that he liked better of our good fare in such coarse cabins, than of their own thin diet in their princely habitations and palaces. The clay with which our houses are commonly impannelled is either white, red, or blue.' Book 2, chap. 12. The author adds, that the new houses of the nobility are commonly of brick or stone, and that glass windows were beginning to be used in England.

[i] Camden, p. 452. [k] Carte, vol. iii. p. 702, from Beaumont's Dispatches. [l] 27 Hen. VIII, c. 24. [m] Rymer, tom. xv. p. 731.

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[n] The following are the words of Roger Ascham, the queen's preceptor. 'It is your shame (I speak to you all, you young gentlemen of England), that one maid should go beyond ye all in excellency of learning, and knowledge of divers tongues. Point out six of the best given gentlemen of this court, and all they together shew not so much good will, spend not so much time, bestow not so many hours daily, orderly, and constantly, for the increase of learning and knowledge, as doth the queen's majesty herself. Yea, I believe that, besides her perfect readiness in Latin, Italian, French, and Spanish, she readeth here now at Windsor more Greek every day than some prebendary of this church doth Latin in a whole week. Amongst all the benefits which God had blessed me withal, next the knowledge of Christ's true religion, I count this the greatest, that it pleased God to call me to be one poor minister in setting forward these excellent gifts of learning,' &c. Page 242. 'Truly,' says Harrison, 'it is a rare thing with us now to hear of a courtier which hath but his own language; and to say how many gentlewomen and ladies there are that, besides sound knowledge of the Greek and Latin tongues, are thereto no less skilful in the Spanish, Italian, and French, or in some of them, it resteth not in me, sith I am persuaded, that as the noble-

men and gentlemen do surmount in this behalf, so these come little or nothing at all behind them for their parts; which industry God continue. The stranger, that entereth in the court of England upon the sudden, shall rather imagine himself to come into some public school of the university, where many give ear to one that readeth unto them, than into a prince's palace, if you confer thus with those of other nations.' Description of Britain, book 2, chap. 15. By this account the court had profited by the example of the queen: the sober way of life practised by the ladies of Elizabeth's court appears from the same author. Reading, spinning, and needle work, occupied the elder; music the younger. Id. ibid.

[s] Speed.

[t] Kennet, p. 662. [u] Wilson, in Kennet, p. 665. [v] Ibid. p. 662. [w] Ibid. p. 663. [x] Sully's Memoirs. [y] La Boderie, vol. i. p. 120. [z] Winwood, vol. ii. p. 55. [a] Sully's Memoirs. [b] State Trials, p. 180, 2d edit. Winwood, vol. ii. p. 8, 11. [c] November 29. [d] December 5. [e] December 9. [f] Winwood, vol. ii. p. 11. [g] State Trials, 1st edit. p. 176, 177, 182. [h] Fuller, book 10. Collier, vol. ii. p. 672.

[i] James ventured to say, in his Basilicon Doron, published while he was in Scotland, 'I protest before the great God, and since I am here as upon my Testament, it is no place for me to lie in, that ye shall never find with any highland or borderer thieves greater ingratitude, and more lies and vile perjuries, than with these fanatic spirits; and suffer not the principal of them to brook your land.' K. James's Works, p. 161.

[k] Fuller's Ecclesiast. History. [l] Kennet, p. 665. [m] Fuller's Ecclesiast. History.

[n] K. James's Works, p. 484, 485, &c. Journ. 22d March, 1603. Kennet, p. 668. [o] K. Jam. Works, p. 495, 499. [p] Journ. January 19, 1580. [q] Journ. March 18, 1580. See farther D'Ewes, p. 450.

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[r] D'Ewes, p. 397. [s] 39 Hen. VI. [t] Journ. Feb. 8, 1580.

[u] In a subsequent parliament, that of the thirty-fifth of the queen, the commons, after great debate, expressly voted that a person outlawed might be elected. D'Ewes, p. 518. But, as the matter had been much contested, the king might think the vote of the house no law, and might esteem his own decision of more weight than theirs. We may also suppose that he was not acquainted with this vote. Queen Elizabeth, in her speech to her last parliament, complained of their admitting outlaws, and represents that conduct of the house as a great abuse.

[v] Jan. 11, 1604. Rymer, tom. xvi. p. 561.

[w] The duke of Sully tells us that it was a maxim of James, that no prince in the first year of his reign should begin any considerable undertaking: a maxim reasonable in itself, and very suitable to his cautious, not to say timid character. The facility with which he departed from this pretension is another proof that his meaning was innocent. But, had the privileges of parliament been at that time exactly ascertained, or royal power fully limited, could such an imagination ever have been entertained by him as to think that his proclamations could regulate parliamentary elections?

[x] Winwood, vol. ii. p. 18, 19. [y] Journ. 26th March, 1604. [z] Journ. 3d April, 1604.

[a] Sir Charles Cornwallis, the king's ambassador at Madrid, when pressed by the duke of Lerma to enter into a league with Spain, said to that minister, 'though his majesty was an absolute king, and therefore not bound to give an account to any, of his actions; yet that so gracious and regardful a prince he was of the love and contentment of his own subjects, as I assured myself he would not think it fit to do any thing of so great consequence without acquainting them with his intentions.' Winwood, vol. ii. p. 222. Sir Walter Raleigh has this passage in the preface to his History of the World. 'Philip II, by strong hand and main force, attempted to make himself not only an absolute monarch over the Netherlands, like unto the kings and monarchs of England and France, but, Turk like, to tread under his feet all their natural and fundamental laws, privileges, and ancient rights.' We meet with this passage in sir John Davis's Question concerning Impositions, p. 161. 'Thus we see by this comparison, that the king of England doth lay but his little finger upon his subjects, when other princes and states do lay their heavy loins upon their people: what is the reason of this difference? from whence cometh it? assuredly not from a different power or prerogative: for the king of England is as absolute a monarch as any emperor or king in the world, and hath as many prerogatives incident to his crown.' Coke, in Cawdry's case, says, 'That by the ancient laws of this realm, England is an absolute

empire and monarchy; and that the king is furnished with plenary and entire power, prerogative, and jurisdiction, and is supreme governor over all persons within this realm.' Spencer, speaking of some grants of the English kings to the Irish corporations, says, 'All which, though at the time of their first grant they were tolerable, and perhaps reasonable, yet now are most unreasonable and inconvenient. But all these will easily be cut off with the superior power of her majesty's prerogative, against which her own grants are not to be pleaded or enforced.' State of Ireland, p. 1537, edit. 1706. The same author, in p. 1660, proposes a plan for the civilization of Ireland; that the queen should create a provost marshal in every county, who might ride about with eight or ten followers in search of stragglers and vagabonds: the first time he catches any he may punish them more lightly by the stocks; the second time, by whipping; but the third time, he may hang them, without trial or process, on the first bough: and he thinks that this authority may more safely be entrusted to the provost marshal than to the sheriff, because the latter magistrate, having a profit by the escheats of felons, may be tempted to hang innocent persons. Here a real absolute, or rather despotic, power is pointed out; and we may infer from all these passages, either that the word absolute bore a different sense from what it does at present, or that men's ideas of the English as well as Irish government were then different. This latter inference seems juster. The word, being derived from the French, bore always the same sense as in that language. An absolute monarchy, in Charles I's answer to the nineteen propositions, is opposed to a limited; and the king of England is acknowledged not to be absolute: so much had matters changed even before the civil war. In sir John Fortescue's treatise of absolute and limited monarchy, a book written in the reign of Edward the IVth, the word absolute is taken in the same sense as at present; and the government of England is also said not to be absolute. They were the princes of the house of Tudor chiefly who introduced that administration, which had the appearance of absolute government. The princes before them were restrained by the barons; as those after them by the house of commons. The people had, properly speaking, little liberty in either of these ancient governments, but least in the more ancient.

[f] Camden, in Kennet, p. 575. [g] Journ. 29th March, 5th April, 1604. [h] Journ. 30th March, 1604. [i] Id. ibid. [k] Id. ibid.

[l] Even this parliament, which shewed so much spirit and good sense in the affair of Goodwin, made a strange concession to the crown, in their fourth session. Toby Mathews, a member, had been banished by order of the council upon direction from his majesty. The parliament not only acquiesced in this arbitrary proceeding, but issued writs for a new election. Such novices were they as yet in the principles of liberty! See Journ. 14 Feb. 1609. Mathews was banished by the king, on account of his change of religion to popery. The king had an indulgence to those who had been educated catholics; but could not bear the new converts. It was probably the animosity of the commons against the papists which made them acquiesce in this precedent, without reflecting on the consequences! The jealousy of liberty, though roused, was not yet thoroughly enlightened.

[m] Journ. 6th and 7th May, 1604.

[n] At that time men of genius and of enlarged minds had adopted the principles of liberty, which were as yet pretty much unknown to the generality of the people. Sir Matthew Hales has published a remonstrance against the king's conduct towards the parliament during this session. The remonstrance is drawn with great force of reasoning and spirit of liberty, and was the production of sir Francis Bacon and sir Edwin Sandys, two men of the greatest parts and knowledge in England. It is drawn in the name of the commons; but, as there is no hint of it in the journals, we must conclude either that the authors, sensible that the strain of the piece was much beyond the principles of the age, had not ventured to present it to the house, or that it had been for that reason rejected. The dignity and authority of the commons are strongly insisted upon in this remonstrance; and it is there said, that their submission to the ill treatment, which they received during the latter part of Elizabeth's reign, had proceeded from their tenderness towards her age and her sex. But the authors are mistaken in these facts: for the house received and submitted to as bad treatment in the beginning and middle of that reign. The government was equally arbitrary in Mary's reign, in Edward's, in Harry the Eighth and Seventh's. And the farther we go back into history, though there might be more of a certain irregular kind of liberty

among the barons, the commons were still of less authority.

[a] Journ. 21 May, 1604. [b] Id. ibid.

[c] A remonstrance from the Trinity-house in 1602 says, that, in a little above twelve years after 1588, the shipping and number of seamen in England decayed about a third. Anglesey's happy future State of England, p. 128, from Sir Julius Cæsar's Collections. See Journ. 21 May, 1604.

[d] Journ. 1 June, 1604. [e] Journ. 30 April, 1604. [f] Journ. 21 April, 1 May, 1604. Parliamentary History, vol. v. p. 91.

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[a] Journ. 7 June, 1604. Kennet, p. 673.

[b] Parliamentary History, vol. v. p. 108.

[c] Journ. 26 June, 1604. [d] La Boderie, the French ambassador, says, that the house of commons was composed mostly of puritans, vol. i. p. 81. [e] Parliamentary History, vol. v. p. 98, 99, 100.

[f] This parliament passed an act of recognition of the king's title in the most ample terms. They recognised and acknowledged that, immediately upon the dissolution and decease of Elizabeth, late queen of England, the imperial crown thereof did, by inherent birthright and lawful and undoubted succession, descend and come to his most excellent majesty, as being lineally, justly, and lawfully, next and sole heir of the blood royal of this realm. 1 James I, cap. 1. The puritans, though then prevalent, did not think proper to dispute this great constitutional point. In the recognition of queen Elizabeth, the parliament declares 'that the queen's highness is, and in very deed and of most mere right ought to be, by the laws of God and by the laws and statutes of this realm, our most lawful and rightful sovereign, liege lady and queen,' &c. It appears then, that if king James's divine right be not mentioned by parliament, the omission came merely from chance, and because that phrase did not occur to the compiler of the recognition; his title being plainly the same with that of his predecessor, who was allowed to have a divine right.

[g] Rymer, tom. xvi. p. 585, &c.

[h] Winwood, vol. ii. p. 27, 330, et alibi. In this respect James's peace was more honourable than that which Henry IV himself made with Spain. This latter prince stipulated not to assist the Dutch; and the supplies, which he secretly sent them, were in direct contravention to the treaty.

[i] 23d of June, 1603. Grotii Annal. lib. 12. [k] See proclamations during the first seven years of K. James. Winwood, vol. ii. p. 65. [l] Memoires de la Boderie, vol. i. p. 64, 181, 195, 217, 302. vol. ii. p. 244, 278.

[m] State Trials, vol. ii. p. 201, 202, 203. Winwood, vol. ii. p. 49. [n] History of the Gunpowder Treason. [o] State Trials, vol. i. p. 190, 198, 210. [p] K. James's Works, p. 227.

[q] Ibid. p. 229. [r] Id. ibid. [s] Ibid. p. 230. [t] Winwood, vol. ii. p. 173. [u] K. Jam. Works, p. 231.

[v] Some historians have imagined that the king had secret intelligence of the conspiracy, and that the letter to Monteagle was written by his direction, in order to obtain the praise of penetration in discovering the plot. But the known facts refute this supposition. That letter, being commonly talked of, might naturally have given an alarm to the conspirators, and made them contrive their escape. The visit of the lord chamberlain ought to have had the same effect. In short, it appears that nobody was arrested or inquired after for some days, till Fawkes discovered the names of the conspirators. We may infer, however, from a letter in Winwood's Memorials, vol. ii. p. 171, that Salisbury's sagacity led the king in his conjectures, and that the minister, like an artful courtier, gave his master the praise of the whole discovery.

[w] State Trials, vol. i. p. 199. Discourse of the manner, &c. p. 69, 70.

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[a] Winwood, vol. ii. p. 300. [b] Id. ibid.

[c] State Trials, vol. i. p. 201. [d] Athen. Ox. vol. ii. fol. 254.

[e] Digby, after his condemnation, said, in a letter to his wife, 'Now for my intention; let me tell you that, if I had thought there had been the least sin in the plot, I would not have been of it for all the world; and no other cause drew me to hazard my fortune and life, but zeal to God's religion.' He expresses his surprise to hear that any catholics had condemned it. Digby's papers, published by secretary Coventry.

[f] Camden in Kennet, p. 692. [g] K. Jam. Works, p. 503, 504.

[h] The parliament, this session, passed an act obliging every one to take the oath of allegiance: a very moderate test, since it decided no controverted points between the two religions, and only engaged the persons who took it to

abjure the pope's power of dethroning kings. See K. James's Works, p. 250.

[i] Kennet, p. 676. [k] Journ. 20th May, 1606. [l] Journ. 5th April, 1606. [m] Kennet, p. 676. [n] K. James's Works, p. 509.

[o] The commons were even so averse to the union, that they had complained in the former session to the lords of the bishop of Bristol, for writing a book in favour of it; and the prelate was obliged to make submissions for this offence. The crime imputed to him seems to have consisted in his treating of a subject which lay before the parliament. So little notion had they as yet of general liberty! See Parliamentary History, vol. v. p. 108, 109, 110.

[p] Bacon's Works, vol. iv. p. 190, 191, edit. 1730. [q] Journ. 2 December, 5 March, 1606 25, 26 June, 1607. [r] Journ. 26 February, 4, 7 March, 1606. 2 May, 17 June, 1607.

[s] Journ. 16, 17 June, 1607. [t] Journ. 25 Feb. 1606. [u] Journ. 3 July, 1607.

[x] The plan of accommodation which James recommended is found in Winwood, vol. ii. p. 429, 430; and is the same that was recommended by Henry, as we learn from Jeanin, tom. iii. p. 416, 417. It had long been imagined by historians, from Jeanin's authority, that James had declared to the court of Spain that he would not support the Dutch in their pretensions to liberty and independence. But it has since been discovered by Winwood's Memorials, vol. ii. p. 456, 466, 469, 475, 476, that that report was founded on a lie of president Richardot's.

[y] Winwood and Jeanin, passim. [z] Journ. 17 Feb. 1609. Kennet, p. 681.

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[a] Besides the great alienation of the crown lands, the fee-farm rents never increased, and the other lands were let on long leases, and at a great undervalue, little or nothing above the old rent.

[b] Winwood, vol. ii. p. 438. [c] Journ. 18th April, 5th and 10th May, 1614, &c. 20th February, 1625. See also sir John Davis's question concerning impositions, p. 127, 128.

[d] Sir John Davis's question concerning impositions. [e] Journ. 23d May, 1610. [f] Parliament. Hist. vol. v. p. 241.

[g] We find the king's answer in Winwood's Memorials, vol. iii. p. 193, 2d edit. 'To the third and fourth (namely, that it might be lawful to arrest the king's servants without leave, and that no man should be inforced to lend money, nor to give a reason why he would not) his majesty sent us an answer, that because we brought precedents of antiquity to strengthen those demands, he allowed not of any precedents drawn from the time of usurping or decaying princes, or people too bold and wanton; that he desired not to govern in that commonwealth where subjects should be assured of all things, and hope for nothing. It was one thing submittere principatum legibus, and another thing submittere principatum subditis. That he would not leave to posterity such a mark of weakness upon his reign; and therefore his conclusion was, non placet petitio, non placet exemplum: yet with this mitigation, that in matters of loans he would refuse no reasonable excuse, nor should my lord chamberlain deny the arresting of any of his majesty's servants, if just cause was shewn.' The parliament, however, acknowledged at this time with thankfulness to the king, that he allowed disputes and inquiries about his prerogative, much beyond what had been indulged by any of his predecessors. Parliament. Hist. vol. v. p. 230. This very sessions he expressly gave them leave to produce all their grievances without exception.

[h] Parliament. Hist. vol. v. p. 250. [i] Journ. 12th May, 1624. [k] Journ. 2d, 11th Decem. 5th March, 1606. [l] Parliament. Hist. vol. v. p. 247. Kennet, p. 681.

[m] We learn from Winwood's Memorials, vol. ii. p. 193, the reason assigned for this particular sum. 'From thence my lord treasurer came to the price; and here he said that the king would no more rise and fall like a merchant: that he would not have a flower of his crown (meaning the court of wards) so much tossed; that it was too dainty to be so handled: and then he said that he must deliver the very countenance and character of the king's mind out of his own hand-writing; which, before he read, he said he would acquaint us with a pleasant conceit of his majesty. As concerning the number of ninescore thousand pounds, which was our number, he could not affect, because nine was the number of the poets, who were always beggars, though they served so many muses; and eleven was the number of the apostles, when the traitor Judas was away; and therefore might best be affected by his majesty: but there was a mean number, which might accord us both, and that was ten; which, says my lord treasurer, is a sacred number; for so many were God's commandments, which tend

to virtue and edification.' If the commons really voted twenty thousand pounds a year more, on account of this pleasant conceit of the king and the treasurer, it was certainly the best paid wit, for its goodness, that ever was in the world.

[n] K. James's Works, p. 531.

[o] It may not be unworthy of observation, that James, in a book called 'The true Laws of free Monarchies,' which he published a little before his accession to the crown of England, affirmed, 'That a good king, although he be above the law, will subject and frame his actions thereto, for example's sake to his subjects, and of his own free will, but not as subject or bound thereto.' In another passage, 'According to the fundamental law already alleged, we daily see that in the parliament (which is nothing else but the head court of the king and his vassals) the laws are but craved by his subjects, and only made by him at their rogation, and with their advice. For albeit the king make daily statutes and ordinances, enjoining such pains thereto as he thinks meet, without any advice of parliament or estates; yet it lies in the power of no parliament to make any kind of law or statute, without his scepter be to it, for giving it the force of a law.' King James's Works, p. 202. It is not to be supposed that, at such a critical juncture, James had so little sense as directly, in so material a point, to have openly shocked what were the universal established principles of that age: on the contrary, we are told by historians, that nothing tended more to facilitate his accession than the good opinion entertained of him by the English, on account of his learned and judicious writings. The question, however, with regard to the royal power was, at this time, become a very dangerous point; and without employing ambiguous, insignificant terms, which determined nothing, it was impossible to please both king and parliament. Dr. Cowell, who had magnified the prerogative in words too intelligible, fell this session under the indignation of the commons. Parliament. Hist. vol. v. p. 221. The king himself, after all his magnificent boasts, was obliged to make his escape through a distinction, which he framed between a king in abstracto and a king in concreto: an abstract king, he said, had all power; but a concrete king was bound to observe the laws of the country which he governed. King James's Works, p. 533. But how bound? by conscience only? or might his subjects resist him and defend their privileges? This he thought not fit to explain. And so difficult is it to explain that point that, to this day, whatever liberties may be used by private inquirers, the laws have, very prudently, thought proper to maintain a total silence with regard to it.

[p] Kennet, p. 684. [q] Ibid. p. 715.

[r] K. James's Works, p. 355. [s] Ibid. p. 259, edit. 1613. [t] Sir J. Davis, p. 166.

[u] Ibid. p. 167. [x] Ibid. p. 173. [y] Ibid. p. 237. [z] Ibid. p. 263.

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[a] Sir J. Davis, p. 264, 265, &c. [b] Ibid. p. 276. [c] Ibid. p. 278. [d] Ibid. p. 280.

[e] Kennet, p. 688.

[a] The French monarch had given particular orders to his ministers to cultivate the prince's friendship; 'who must soon,' said he, 'have chief authority in England, where the king and queen are held in so little estimation.' See Dep. de la Boderie, vol. i. p. 402, 415. vol. ii. p. 16, 349.

[b] Coke's Detection, p. 37. [c] Kennet, p. 690. Coke, p. 37. Welwood, p. 272.

[d] Kennet, p. 685, 686, &c. [e] Ibid. p. 686.

[f] Ibid. p. 687. [g] State Trials, vol. i. p. 228. [h] Ibid. p. 235, 236, 252. Franklyn, p. 14. [i] State Trials, vol. i. p. 236, 237, &c.

[k] Ibid. p. 223, 224, &c. Franklyn's Annals, p. 2, 3, &c. [l] Kennet, p. 693. State Trials, vol. i. p. 233, 234, &c. [m] 14th May, 1612.

[n] Franklyn, p. 11, 33. [o] Idem, p. 10.

[p] Idem, p. 49. [q] Parliam. Hist. vol. v. p. 286. Kennet, p. 696. Journ. 12th April, 2d May, 1614, &c. Franklyn, p. 48.

[r] Journ. 17 Feb. 1609. It appears, however, that Salisbury was somewhat mistaken in this fact: and, if the kings were not oftener refused supply by the parliament, it was only because they would not often expose themselves to the hazard of being refused. But it is certain that English parliaments did anciently carry their frugality to an extreme, and seldom could be prevailed upon to give the necessary support to government.

[s] Coke's Institutes, part 4, chap. 1, of Charters of Exemption. [t] Journ. 11 April, 1614.

[u] Journ. 21 May, 1614. [x] Journ. 12, 21 May, 1614. [y] Journ. 18 April, 1614.

[z] Parl. Hist. vol. v. p. 290. So little fixed at this time were the rules of parliament, that the commons complained to the peers of a speech made in the upper house by the bishop of Lincoln; which it belonged only to that house to

censure, and which the other could not regularly be supposed to be acquainted with. These at least are the rules established since the parliament became a real seat of power, and scene of business. Neither the king must take notice of what passes in either house, nor either house of what passes in the other, till regularly informed of it. The commons, in their famous protestation 1621, fixed this rule with regard to the king, though at present they would not bind themselves by it. But as liberty was[a] yet new, those maxims which guard and regulate it were unknown and unpractised.

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[a] Kennet, p. 696. [b] K. James's Works, p. 532. [c] Preface to Waller's Works. [d] Franklyn, p. 50. Kennet, vol. ii. p. 698. [e] Coke, p. 46, 47. Rush. vol. i. p. 456. [f] State Trials, vol. i. p. 230. [g] Ibid. p. 242. [h] Kennet, p. 699. [i] Coke, Weldon, &c. [k] See Biog. Brit. article Coke, p. 1384. [l] Bacon, vol. iv. p. 617. [m] Franklyn, p. 30. Clarendon, 8vo edit. vol. i. p. 10. [n] Rymer, tom. xvi. p. 341. Winwood, vol. ii. p. 351. [o] Sir Dudley Carleton's Letters, p. 27, 28.

[p] An annuity of fourteen thousand pounds during fifteen years, money being at ten per *cent.* is worth on computation only one hundred and six thousand five hundred pounds, whereas the king received two hundred and fifty thousand. Yet the bargain was good for the Dutch as well as the king, because they were both of them freed from the maintenance of useless garrisons.

[q] Rushworth, vol. i. p. 3. [r] Franklyn, p. 25. Spotswood. [s] Ibid. [t] 17 Dec. 1596. [u] Spotswood. [x] Ibid. [y] July 1604. [z] Spotswood.

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[a] 6 June, 1610. [b] Spotswood. [c] 15 Feb. 1610. [d] Spotswood. Franklyn, p. 29. [e] Kennet, p. 709.

[f] Franklyn, p. 31. To shew how rigid the English, chiefly the puritans, were become in this particular, a bill was introduced into the house of commons, in the eighteenth of the king, for the more strict observance of the Sunday, which they affected to call the Sabbath. One Shepherd opposed this bill, objected to the appellation of Sabbath as puritanical, defended dancing by the example of David, and seems even to have justified sports on that day. For this profaneness he was expelled the house, by the suggestion of Mr. Pym. The house of lords opposed so far this puritanical spirit of the commons, that they proposed that the appellation of Sabbath should be changed into that of the Lord's Day. Journ. 15, 16 Feb. 1620. 28 May, 1621. In Shepherd's sentence his offence is said by the house to be great, exorbitant, unparalleled.

[g] See this matter discussed in Bacon's Letters, published by Dr. Birch, p. 181.

[h] Some of the facts in this narrative, which seem to condemn Raleigh, are taken from the king's declaration, which being published by authority, when the facts were recent, being extracted from examinations before the privy council, and subscribed by six privy counsellors, among whom was Abbot archbishop of Canterbury, a prelate nowise complaisant to the court, must be allowed to have great weight, or rather to be of undoubted credit. Yet the most material facts are confirmed either by the nature and reason of the thing, or by sir Walter's own apology and his letters. The king's declaration is in the Harleyan Miscellany, vol. iii. N° 2.

1. There seems to be an improbability that the Spaniards, who knew nothing of Raleigh's pretended mine, should have built a town in so wide a coast, within three miles of it. The chances are extremely against such a supposition; and it is more natural to think that the view of plundering the town led him thither, than that of working a mine. 2. No such mine is there found to this day. 3. Raleigh in fact found no mine, and in fact he plundered and burned a Spanish town. Is it not more probable, therefore, that the latter was his intention? How can the secrets of his breast be rendered so visible as to counterpoise certain facts? 4. He confesses, in his letter to lord Carew, that though he knew it, yet he concealed from the king the settlement of the Spaniards on that coast. Does not this fact alone render him sufficiently criminal? 5. His commission impowers him only to settle on a coast possessed by savage and barbarous inhabitants. Was it not the most evident breach of orders to disembark on a coast possessed by Spaniards? 6. His orders to Keymis, when he sent him up the river, are contained in his own apology, and from them it appears that he knew (what was unavoidable) that the Spaniards would resist, and would oppose the Eng-

lish landing and taking possession of the country. His intentions, therefore, were hostile from the beginning. 7. Without provocation, and even when at a distance, he gave Keymis orders to dislodge the Spaniards from their own town. Could any enterprise be more hostile? and, considering the Spaniards as allies to the nation, could any enterprise be more criminal? Was he not the aggressor, even though it should be true that the Spaniards fired upon his men at landing? It is said he killed three or four hundred of them. Is that so light a matter? 8. In his letter to the king, and in his apology, he grounds his defence on former hostilities exercised by the Spaniards against other companies of Englishmen. These are accounted for by the ambiguity of the treaty between the nations. And it is plain, that though these might possibly be reasons for the king's declaring war against that nation, they could never entitle Raleigh to declare war, and without any commission, or contrary to his commission, to invade the Spanish settlements. He pretends indeed that peace was never made with Spain in the Indies: a most absurd notion! The chief hurt which the Spaniards could receive from England was in the Indies; and they never would have made peace at all, if hostilities had been still to be continued on these settlements. By secret agreement the English were still allowed to support the Dutch even after the treaty of peace. If they had also been allowed to invade the Spanish settlements, the treaty had been a full peace to England, while the Spaniards were still exposed to the full effects of war. 9. If the claim to the property of that country, as first discoverers, was good, in opposition to present settlement, as Raleigh pretends, why was it not laid before the king with all its circumstances, and submitted to his judgment? 10. Raleigh's force is acknowledged by himself to have been insufficient to support him in the possession of St. Thomas against the power of which Spain was master on that coast; yet it was sufficient, as he owns, to take by surprise and plunder twenty towns. It was not therefore his design to settle, but to plunder. By these confessions, which I have here brought together, he plainly betrays himself. 11. Why did he not stay and work his mine, as at first he projected? He apprehended that the Spaniards would be upon him with a greater force. But before he left England he knew that this must be the case, if he invaded any part of the Spanish colonies. His intention therefore never was to settle, but only to plunder. 12. He acknowledges that he knew neither the depth nor riches of the mine, but only that there was some ore there. Would he have ventured all his fortune and credit on so precarious a foundation? 13. Would the other adventurers, if made acquainted with this, have risked every thing to attend him? Ought a fleet to have been equipped for an experiment? Was there not plainly an imposture in the management of this affair? 14. He says to Keymis, in his orders, 'Bring but a basketfull of ore, and it will satisfy the king that my project was not imaginary.' This was easily done from the Spanish mines; and he seems to have been chiefly displeased at Keymis for not attempting it. Such a view was a premeditated apology to cover his cheat. 15. The king in his declaration imputes it to Raleigh, that as soon as he was at sea he immediately fell into such uncertain and doubtful talk of his mine, and said that it would be sufficient if he brought home a basketfull of ore. From the circumstance last mentioned, it appears that this imputation was not without reason. 16. There are many other circumstances of great weight in the king's declaration; that Raleigh, when he fell down to Plymouth, took no pioneers with him, which he always declared to be his intention; that he was nowise provided with instruments for working a mine, but had a sufficient stock of warlike stores; that young Raleigh, in attacking the Spaniards, employed the words which, in the narration, I have put in his mouth; that the mine was moveable, and shifted as he saw convenient: not to mention many other public facts which prove him to have been highly criminal against his companions as well as his country. Howel, in his letters, says that there lived in London, in 1645, an officer, a man of honour, who asserted that he heard young Raleigh speak these words, vol. ii. letter 63. That was a time when there was no interest in maintaining such a fact. 17. Raleigh's account of his first voyage to Guiana proves him to have been a man capable of the most extravagant credulity or most impudent imposture. So ridiculous are the stories which he tells of the Inca's chimerical empire in the midst of Guiana; the rich city of El Dorado, or Manao, two days journey in length, and shining with gold and silver; the old Peruvian prophecies in favour of the English, who, he says, were expressly named as the deliverers of that country, long before any European had

ever touched there; the Amazons, or republic of women; and, in general, the vast and incredible riches which he saw on that continent, where nobody as yet found any treasures. This whole narrative is a proof that he was extremely defective either in solid understanding, or morals, or both. No man's character indeed seems ever to have been carried to such extremes as Raleigh's, by the opposite passions of envy and pity. In the former part of his life, when he was active and lived in the world, and was probably best known, he was the object of universal hatred and detestation throughout England; in the latter part, when shut up in prison, he became, much more unreasonably, the object of great love and admiration.

As to the circumstances of the narrative, that Raleigh's pardon was refused him, that his former sentence was purposely kept in force against him, and that he went out under these express conditions, they may be supported by the following authorities. 1. The king's word and that of six privy counsellors, who affirm it for fact. 2. The nature of the thing. If no suspicion had been entertained of his intentions, a pardon would never have been refused to a man to whom authority was entrusted. 3. The words of the commission itself, where he is simply styled sir Walter Raleigh, and not faithful and well beloved, according to the usual and never-failing style on such occasions. 4. In all the letters which he wrote home to sir Ralph Winwood and to his own wife, he always considers himself as a person unpardoned and liable to the law. He seems, indeed, immediately upon the failure of his enterprise, to have become desperate, and to have expected the fate which he met with.

It is pretended that the king gave intelligence to the Spaniards of Raleigh's project; as if he had needed to lay a plot for destroying a man whose life had been fourteen years, and still was, in his power. The Spaniards wanted no other intelligence to be on their guard than the known and public fact of Raleigh's armament. And there was no reason why the king should conceal from them the project of a settlement which Raleigh pretended, and the king believed, to be entirely innocent.

The king's chief blame seems to have lain in his negligence, in allowing Raleigh to depart without a more exact scrutiny: but for this he apologises by saying that sureties were required for the good behaviour of Raleigh and all his associates in the enterprise, but that they gave in bonds for each other: a cheat which was not perceived till they had sailed, and which increased the suspicion of bad intentions.

Perhaps the king ought also to have granted Raleigh a pardon for his old treason, and to have tried him anew for his new offences. His punishment in that case would not only have been just, but conducted in a just and unexceptionable manner. But we are told that a ridiculous opinion at that time prevailed in the nation (and it is plainly supposed by sir Walter in his apology) that, by treaty, war was allowed with the Spaniards in the Indies, though peace was made in Europe: and, while that notion took place, no jury would have found Raleigh guilty. So that had not the king punished him upon the old sentence, the Spaniards would have had a just cause of complaint against the king, sufficient to have produced a war, at least to have destroyed all cordiality between the nations.

This explication I thought necessary, in order to clear up the story of Raleigh; which, though very obvious, is generally mistaken in so gross a manner, that I scarcely know its parallel in the English history.

[i] Franklyn, p. 32.

[k] He asserted, in the most solemn manner, that he had nowise contributed to Essex's death: but the last letter in Murden's Collection contains the strongest proof of the contrary.

[l] Kennet, p. 703, 748. [m] Rushworth, vol. i. p. 2. [n] 1610. [o] La Boderie, vol. ii. p. 30. [p] Franklyn, p. 71. [q] Rushworth, vol. i. p. 7, 8. [r] Ibid. p. 13, 14. [s] Franklyn, p. 49. [t] Rushworth, vol. i. p. 12, 13. [u] Franklyn, p. 48. [w] Ibid. p. 44. Rushworth, vol. i. p. 14. [x] Franklyn, p. 42, 43. Rushworth, vol. i. p. 15. Kennet, p. 723. [y] Franklyn, p. 47. Rushworth, vol. i. p. 21.

[z] This parliament is remarkable for being the epoch in which were first regularly formed, though without acquiring these denominations, the parties of court and country; parties which have ever since continued, and which, while they oft threaten the total dissolution of the government, are the real causes of its permanent life and vigour. In the ancient feudal constitution, of which the English partook with other European nations, there was a mixture, not of authority and liberty, which we have since enjoyed in this island, and which now subsist uniformly together; but of authority and

anarchy, which perpetually shocked with each other, and which took place alternately, according as circumstances were more or less favourable to either of them. A parliament composed of barbarians, summoned from their fields and forests, uninstructed by study, conversation, or travel; ignorant of their own laws and history, and unacquainted with the situation of all foreign nations; a parliament called precariously by the king, and dissolved at his pleasure; sitting a few days, debating a few points prepared for them, and whose members were impatient to return to their own castles, where alone they were great, and to the chase, which was their favourite amusement: such a parliament was very little fitted to enter into a discussion of all the questions of government, and to share, in a regular manner, the legal administration. The name, the authority of the king alone appeared in the common course of government; in extraordinary emergencies he assumed, with still better reason, the sole direction; the imperfect and unformed laws left, in every thing, a latitude of interpretation; and when the ends pursued by the monarch were, in general, agreeable to his subjects, little scruple or jealousy was entertained with regard to the regularity of the means. During the reign of an able, fortunate, or popular prince, no member of either house, much less of the lower, durst think of entering into a formed party, in opposition to the court; since the dissolution of the parliament must, in a few days, leave him unprotected, to the vengeance of his sovereign, and to those stretches of prerogative, which were then so easily made, in order to punish an obnoxious subject. During an unpopular and weak reign, the current commonly ran so strong against the monarch that none durst inlist themselves in the court party; or if the prince was able to engage any considerable barons on his side, the question was decided with arms in the field, not by debates or arguments in a senate or assembly. And upon the whole, the chief circumstance which, during ancient times, retained the prince in any legal form of administration was, that the sword, by the nature of the feudal tenures, remained still in the hands of his subjects; and this irregular and dangerous check had much more influence than the regular and methodical limits of the laws and constitution. As the nation could not be compelled, it was necessary that every public measure of consequence, particularly that of leying new taxes, should seem to be adopted by common consent and approbation.

The princes of the house of Tudor, partly by the vigour of their administration, partly by the concurrence of favourable circumstances, had been able to establish a more regular system of government; but they drew the constitution so near to despotism as diminished extremely the authority of the parliament. That senate became, in a great degree, the organ of royal will and pleasure: opposition would have been regarded as a species of rebellion: and even religion, the most dangerous article in which innovations could be introduced, had admitted, in the course of a few years, four several alterations, from the authority alone of the sovereign. The parliament was not then the road to honour and preferment; the talents of popular intrigue and eloquence were uncultivated and unknown; and though that assembly still preserved authority, and retained the privilege of making laws and bestowing public money, the members acquired not, upon that account, either with prince or people, much more weight and consideration. What powers were necessary for conducting the machine of government the king was accustomed, of himself, to assume. His own revenues supplied him with money sufficient for his ordinary expenses: and when extraordinary emergencies occurred, the prince needed not to solicit votes in parliament, either for making laws or imposing taxes, both of which were now become requisite for public interest and preservation.

The security of individuals, so necessary to the liberty of popular councils, was totally unknown in that age. And as no despotic princes, scarcely even the eastern tyrants, rule entirely without the concurrence of some assemblies, which supply both advice and authority; little but a mercenary force seems then to have been wanting towards the establishment of a simple monarchy in England. The militia, though more favourable to regal authority than the feudal institutions, was much inferior, in this respect, to disciplined armies; and if it did not preserve liberty to the people, it preserved at least the power, if ever the inclination should arise of recovering it.

But so low, at that time, ran the inclination towards liberty, that Elizabeth, the last of that arbitrary line, herself no less arbitrary, was yet the most renowned and most popular of all the sovereigns that had filled the throne of England. It was natural for James to take the

government as he found it, and to pursue her measures, which he heard so much applauded; nor did his penetration extend so far as to discover that neither his circumstances nor his character could support so extensive an authority. His narrow revenues and little frugality began now to render him dependent on his people, even in the ordinary course of administration: their increasing knowledge discovered to them that advantage which they had obtained, and made them sensible of the inestimable value of civil liberty. And as he possessed too little dignity to command respect, and too much good nature to impress fear, a new spirit discovered itself every day in the parliament; and a party, watchful of a free constitution, was regularly formed in the house of commons.

But notwithstanding these advantages acquired to liberty, so extensive was royal authority, and so firmly established in all its parts, that it is probable the patriots of that age would have despaired of ever resisting it, had they not been stimulated by religious motives, which inspire a courage unsurmountable by any human obstacle.

The same alliance which has ever prevailed between kingly power and ecclesiastical authority was now fully established in England; and while the prince assisted the clergy in suppressing schismatics and innovators, the clergy, in return, inculcated the doctrine of an unreserved submission and obedience to the civil magistrate. The genius of the church of England, so kindly to monarchy, forwarded the confederacy; its submission to episcopal jurisdiction; its attachment to ceremonies, to order, and to a decent pomp and splendour of worship; and in a word, its affinity to the tame superstition of the catholics, rather than to the wild fanaticism of the puritans.

On the other hand, opposition to the church, and the persecutions under which they laboured, were sufficient to throw the puritans into the country party, and to beget political principles little favourable to the high pretensions of the sovereign. The spirit too of enthusiasm, bold, daring, and uncontrolled, strongly disposed their minds to adopt republican tenets; and inclined them to arrogate, in their actions and conduct, the same liberty which they assumed in their rapturous flight and ecstasies. Ever since the first origin of that sect, through the whole reign of Elizabeth as well as of James, puritanical principles had been understood in a double sense, and expressed the opinions favourable both to political and to ecclesiastical liberty. And as the court, in order to discredit all parliamentary opposition, affixed the denomination of puritans to its antagonists, the religious puritans willingly adopted this idea, which was so advantageous to them, and which confounded their cause with that of the patriots or country party. Thus were the civil and ecclesiastical factions regularly formed; and the humour of the nation, during that age, running strongly towards fanatical extravagances, the spirit of civil liberty gradually revived from its lethargy, and by means of its religious associate, from which it reaped more advantage than honour, it secretly enlarged its dominion over the greater part of the kingdom.

[This note was in the first editions a part of the text; but the author omitted it, in order to avoid, as much as possible, the style of dissertation in the body of his history. The passage, however, contains views so important, that he thought it might be admitted as a note.]

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[a] Journ. 5 Dec. 1621. [b] Journ. 12, 16 Feb. 1620. [c] Journ. 16 Feb. 1620. [d] Franklyn, p. 51. Rushworth, p. 25. [e] Franklyn, p. 52. Rushworth, vol. i. p. 27.

[f] Yelverton, the attorney general, was accused by the commons for drawing the patents for these monopolies, and for supporting them. He apologized for himself that he was forced by Buckingham, and that he supposed it to be the king's pleasure. The lords were so offended at these articles of defence, though necessary to the attorney general, that they fined him ten thousand pounds to the king, five thousand to the duke. The fines, however, were afterwards remitted. Franklyn, p. 55. Rushworth, vol. i. p. 31, 32, &c.

[g] It is thought that appeals from chancery to the house of peers first came into practice while Bacon held the great seal. Appeals, under the form of writs of error, had long before lain against the courts of law. *Blackstone's* Commentary, vol. iii. p. 454.

[h] Rushworth, vol. i. p. 35. [i] Ibid. p. 36. Kennet, p. 733. [k] Journ. 1 Dec. 1621.

[l] To shew to what degree the nation was inflamed with regard to the Palatinate, there occurs a remarkable story this session. One Floyd, a prisoner in the Fleet, a catholic, had dropped some expressions, in private conversation, as if he were pleased with the misfor-

tunes of the palatine and his wife. The commons were in a flame, and, pretending to be a court of judicature and of record, proceeded to condemn him to a severe punishment. The house of lords checked this encroachment; and, what was extraordinary, considering the present humour of the lower house, the latter acquiesced in the sentiments of the peers. This is almost the only pretension of the English commons in which they have not prevailed. Happily for the nation, they have been successful in almost all their other claims. See Parliamentary History, vol. v. p. 428, 429, &c. Journ. 4, 8, 12 May, 1621.

[m] Franklyn, p. 73. [n] Ibid. p. 58, 59. Rushworth, vol. i. p. 40, 41. Kennet, p. 737.

[o] Franklyn, p. 60. Rushworth, vol. i. p. 43. Kennet, p. 741. [p] Franklyn, p. 60. Rushworth, vol. i. p. 44. Kennet, p. 741. [q] Kennet, p. 43.

[r] 'Ne sutor ultra crepidam.' This expression is imagined to be insolent and disobliging: but it was a Latin proverb familiarly used on all occasions.

[s] Franklyn, p. 62, 63, 64. Rushworth, vol. i. p. 46, 47, &c. Kennet, p. 743.

[t] This protestation is so remarkable that it may not be improper to give it in its own words. 'The commons now assembled in parliament, being justly occasioned thereunto, concerning sundry liberties, franchises, and privileges of parliament, amongst others here mentioned, do make this protestation following: that the liberties, franchises, and jurisdictions of parliament are the ancient and undoubted birth-right and inheritance of the subjects of England; and that the urgent and arduous affairs concerning the king, state, and defence of the realm, and of the church of England; and the maintenance and making of laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matter of council and debate in parliament; and that in the handling and proceeding of those businesses, every member of the house of parliament hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring to conclusion the same; and that the commons in parliament have like liberty and freedom to treat of these matters, in such order as in their judgment shall seem fittest; and that every member of the said house hath like freedom from all impeachment, imprisonment, and molestation (other than by censure of the house itself) for or concerning any speaking, reasoning, or declaring of any matter or matters touching the parliament or parliament business. And that if any of the said members be complained of and questioned for any thing done or said in parliament, the same is to be shewn to the king by the advice and assent of all the commons assembled in parliament, before the king give credence to any private information.' Franklyn, p. 65. Rushworth, vol. i. p. 53. Kennet, p. 747. Coke, p. 77.

[u] Journ. 18 Dec. 1621. [v] Franklyn, p. 65. [x] Ibid. p. 66. Rushworth, vol. i. p. 55. [y] Franklyn, p. 66. Rushworth, vol. i. p. 55. [z] Kennet, p. 749.

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[a] Franklyn, p. 56. Rushworth, vol. i. p. 21, 36, 55. The king also, in imitation of his predecessors, gave rules to preachers. Franklyn, p. 70. The pulpit was at that time much more dangerous than the press. Few people could read, and still fewer were in the practice of reading.

[b] Franklyn, p. 57. Rushworth, vol. i. p. 38. [c] Parl. Hist. vol. v. p. 484. [d] Kennet, p. 749. [e] Franklyn, p. 69. Rushworth, vol. i. p. 63. [f] Ibid. p. 292. [g] Ibid. p. 69. [h] Ibid. p. 272.

[i] 'We find, by private letters between Philip IV and the Condé Olivarez, shewn by the latter to Buckingham, that the marriage and the restitution of the Palatinate were always considered by the court of Spain as inseparable. See Franklyn, p. 71, 72. Rushworth, vol. i. p. 71, 280, 299, 300. Parliamentary History, vol. vi. p. 66.

[k] Franklyn, p. 72. [l] Rushworth, vol. i. p. 66. [m] Clarendon, vol. i. p. 11, 12. [n] Ibid. p. 14. [o] Ibid. p. 16. [p] Franklyn, p. 73. [q] Ibid, p. 74. [r] Rushworth, vol. i. p. 77. [s] Ibid. p. 84. [t] Franklyn, p. 80. Rushworth, vol. i. p. 89. Kennet, p. 769. [u] Rushworth, vol. i. p. 82. Franklyn, p. 77. [x] Ibid. p. 80. Rushworth, vol. i. p. 103. [y] Ibid. p. 101. [z] Clarendon, vol. i. p. 36.

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[a] Rushworth, vol. i. p. 103. Clarendon, vol. i. p. 37. [b] Hacket's Life of Williams. [c] Parl. Hist. vol. vi. p. 57. [d] Rushworth, vol. i. p. 105. Kennet, p. 776. [e] Franklyn, p. 80. Rushworth, vol. i. p. 112. [f] Ibid. p. 114.

[g] To shew by what violent measures benevolences were usually raised, Johnstone tells us, in his Rerum Britannicarum Historia, that Barnes, a citizen of London, was the first who refused to contribute any thing; upon which the treasurer sent him word that he must immediately prepare himself to carry, by post, a dispatch into Ireland. The citizen was glad to make his peace by paying a hundred pounds; and no one durst afterwards refuse the benevolence required. See farther, Coke, p. 80.

[h] Franklyn, p. 89, 90, 91, &c. Rushworth, vol. i. p. 119, 120, &c. Parl. Hist. vol. vi. p. 20, 21, &c.

[i] The moment the prince embarked at St. Andero's he said, to those about him, that it was folly in the Spaniards to use him so ill, and allow him to depart: a proof that the duke had made him believe they were insincere in the affair of the marriage and the Palatinate; for as to his reception, in other respects, it had been altogether unexceptionable. Besides, had not the prince believed the Spaniards to be insincere, he had no reason to quarrel with them, though Buckingham had. It appears, therefore, that Charles himself must have been deceived. The multiplied delays of the dispensation, though they arose from accident, afforded Buckingham a plausible pretext for charging the Spaniards with insincerity.

[k] It must, however, be confessed that the king afterwards warned the house not to take Buckingham's narrative for his, though it was laid before them by his order. Parl. Hist. vol. vi. p. 104. James was probably ashamed to have been carried so far by his favourite.

[l] Parl. Hist. vol. vi. p. 75. [m] Franklyn, p. 98. Rushworth, vol. i. p. 128. Parl. Hist. vol. vi. p. 103. [n] Clarendon, vol. i. p. 6.

[o] Franklyn, p. 94, 95. Rushworth, vol. i. p. 129, 130.

[p] Among other particulars, he mentions a sum of eighty thousand pounds borrowed from the king of Denmark. In a former speech to the parliament, he told them, that he had expended five hundred thousand pounds in the cause of the palatine, besides the voluntary contribution given him by the people. See Franklyn, p. 50. But what is more extraordinary, the treasurer, in order to shew his own good services, boasts to the parliament, that by his contrivance, sixty thousand pounds had been saved in the article of exchange in the sums remitted to the palatine. This seems a great sum, nor is it easy to conceive whence the king could procure such vast sums as would require a sum so considerable to be paid in exchange. From the whole, however, it appears, that the king had been far from neglecting the interests of his daughter and son-in-law, and had even gone far beyond what his narrow revenue could afford.

[q] Rushworth, vol. i. p. 137. [r] Less than three hundred thousand pounds.

[s] How little this principle had prevailed, during any former period of the English government, particularly during the last reign, which was certainly not so perfect a model of liberty as most writers would represent it, will easily appear from many passages in the history of that reign. But the ideas of men were much changed, during about twenty years of a gentle and peaceful administration. The commons, though James of himself had recalled all patents of monopolies, were not contented without a law against them, and a declaratory law too; which was gaining a great point, and establishing principles very favourable to liberty; but they were extremely grateful, when Elizabeth, upon petition (after having once refused their requests), recalled a few of the most oppressive patents; and employed some soothing expressions towards them.

The parliament had surely reason, when they confessed, in the seventh of James, that he allowed them more freedom of debate than ever was indulged by any of his predecessors. His indulgence in this particular, joined to his easy temper, was probably one cause of the great power assumed by the commons. Monsieur de la Boderie, in his dispatches, vol. i. p. 449, mentions the liberty of speech in the house of commons as a new practice.

[t] Clarendon, vol. i. p. 223. [u] Parl. Hist. vol. vi. p. 19. [x] Franklyn, p. 101, 102.

[y] See farther Franklyn, p. 87. [z] Parl. Hist. vol. vi. p. 37.

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[a] Franklyn, p. 103. [b] Rushworth, vol. i. p. 145. [c] Ibid. p. 259. [d] Ibid. p. 144. Hacket's Life of Williams. Coke, p. 107.

[e] See Collection of State Papers by the Earl of Clarendon, p. 393. [f] Rushworth, vol. i. p. 152.

[g] Rymer, tom. xviii. p. 224. It is certain that the young prince of Wales, afterwards Charles II. had protestant governors from his early infancy; first the earl of Newcastle, then the marquis of Hertford. The king, in his memorial to foreign churches, after the commencement of the civil

wars, insists on his care in educating his children in the protestant religion, as a proof that he was nowise inclined to the catholic. Rushworth, vol. v. p. 752. It can scarcely, therefore, be questioned, but this article, which had so odd an appearance was inserted only to amuse the pope, and was never intended by either party to be executed.

[h] Rushworth, vol. i. p. 74. [i] Idem, ibid. p. 151. [k] Franklyn, p. 104. Rushworth, vol. i. p. 154. Dugdale, p. 24. [l] Rushworth, vol. i. p. 155.

[m] This history of the house of Stuart was written and published by the author before the history of the house of Tudor. Hence it happens that some passages, particularly in the present appendix, may seem to be repetitions of what was formerly delivered in the reign of Elizabeth. The author, in order, to obviate this objection, has cancelled some few passages in the foregoing chapters.

[n] Rymer, tom. xvii. p. 200.

[o] Rushworth, vol. ii. p. 473. In Chamber's case it was the unanimous opinion of the court of king's bench, that the court of star chamber was not derived from the statute of Henry VII, but was a court many years before, and one of the most high and honourable courts of justice. See Coke's Rep. term Mich. 5 Car. I. See farther Camden's Brit. vol. i. introd. p. 254, edit. of Gibson.

[p] During several centuries, no reign had passed without some forced loans from the subject.

[q] 'Monarchies,' according to sir Walter Raleigh, 'are of two sorts touching their power or authority, viz. 1. Entire, where the whole power of ordering all state matters, both in peace and war, doth by law and custom appertain to the prince, as in the English kingdom; where the prince hath the power to make laws, league and war; to create magistrates; to pardon life; of appeal, &c. Though to give a contentment to the other degrees, they have a suffrage in making laws, yet ever subject to the prince's pleasure and negative will. 2. Limited or restrained, that hath no full power in all the points and matters of state, as the military king that hath not the sovereignty in time of peace, as the making of laws, &c. But in war only, as the Polonian king.' Maxims of State.

And a little after, 'In every just state, some part of the government is, or ought to be, imparted to the people, as in a kingdom, a voice and suffrage in making laws; and sometimes also of levying of arms (if the charge be great, and the prince forced to borrow help of his subjects,) the matter rightly may be propounded to a parliament, that the tax may seem to have proceeded from themselves. So consultations and some proceedings in judicial matters may, in part, be referred to them. The reason, lest, seeing themselves to be in no number nor of reckoning, they mislike the state of government.' This way of reasoning differs little from that of king James, who considered the privileges of the parliament as matters of grace and indulgence more than of inheritance. It is remarkable that Raleigh was thought to lean towards the puritanical party, notwithstanding these positions. But ideas of government change much in different times.

Raleigh's sentiments on this head are still more openly expressed in his Prerogative of Parliaments, a work not published till after his death. It is a dialogue between a courtier or counsellor and a country justice of peace, who represents the patriot party, and defends the highest notions of liberty, which the principles of that age would bear. Here is a passage of it: 'Counsellor. That which is done by the king, with the advice of his private or privy council, is done by the king's absolute power. Justice. And by whose power is it done in parliament but by the king's absolute power? Mistake it not, my lord: the three estates do but advise as the privy council doth; which advice, if the king embrace, it becomes the king's own act in the one, and the king's law in the other.' &c.

The earl of Clare, in a private letter to his son-in-law sir Thomas Wentworth, afterwards earl of Strafford, thus expresses himself: 'We live under a prerogative government, where book law submits to lex loquens.' He spoke from his own and all his ancestors' experience. There was no single instance of power which a king of England might not, at that time, exert on pretence of necessity or expediency: the continuance alone or frequent repetition of arbitrary administration might prove dangerous, for want of force to support it. It is remarkable that this letter of the earl of Clare was written in the first year of Charles's reign: and consequently must be meant of the general genius of the government, not the spirit or temper of the monarch. See Strafford's Letters, vol. i. p. 32. From another letter in the same collection, vol. i. p. 10, it appears, that the council sometimes assumed the power of forbidding persons dis-

agreeable to the court, to stand in the elections. This authority they could exert in some instances; but we are not thence to infer, that they could shut the door of that house to every one who was not acceptable to them. The genius of the ancient government reposed more trust in the king, than to entertain any such suspicion, and it allowed scattered instances, of such a kind as would have been totally destructive of the constitution, had they been continued without interruption.

I have not met with any English writer in that age who speaks of England as a limited monarchy, but as an absolute one, where the people have many privileges. That is no contradiction. In all European monarchies the people have privileges: but whether dependant or independant on the will of the monarch, is a question, that, in most governments, it is better to forbear. Surely that question was not determined before the age of James. The rising spirit of the parliament, together with that king's love of general, speculative principles, brought it from its obscurity, and made it be commonly canvassed. The strongest testimony that I remember from a writer of James's age, in favour of English liberty, is in cardinal Bentivoglio, a foreigner, who mentions the English government as similar to that of the Low Country provinces under their princes, rather than to that of France or Spain. Englishmen were not so sensible that their prince was limited, because they were sensible that no individual had any security against a stretch of prerogative: but foreigners, by comparison, could perceive that these stretches were at that time, from custom or other causes, less frequent in England than in other monarchies. Philip de Comines too remarked the English constitution to be more popular in his time than that of France. But in a paper written by a patriot in 1627, it is remarked that the freedom of speech in parliament had been lost in England since the days of Comines. See Franklyn, p. 233. Here is a stanza of Malherbe's Ode to Mary de Medicis, the queen-regent, written in 1614.

Entre les rois à qui cet age
Droit son principal ornement,
Ceux de la Tamise et du Tage
Font louer leur gouvernement:
Mais en de si calmes provinces,
Où le peuple adore les princes,
Et met au gré le plus haut
L'honneur du sceptre legitime,
Sçauroit-on excuser le crime
De ne regner pas comme il faut.

The English, as well as the Spaniards, are here pointed out as much more obedient subjects than the French, and much more tractable and submissive to their princes. Though this passage be taken from a poet, every man of judgment will allow its authority to be decisive. The character of a national government cannot be unknown in Europe; though it changes sometimes very suddenly. Machiavel, in his Dissertations on Livy, says repeatedly, that France was the most legal and most popular monarchy then in Europe.

[r] Passive obedience is expressly and zealously inculcated in the homilies, composed and published by authority, in the reign of queen Elizabeth. The convocation, which met in the very first year of the king's reign, voted as high monarchical principles as are contained in the decrees of the university of Oxford, during the rule of the tories. These principles, so far from being deemed a novelty, introduced by James's influence, passed so smoothly that no historian has taken notice of them: they were never the subject of controversy, or dispute, or discourse; and it is only by means of bishop Overall's Convocation-book, printed near seventy years after, that we are acquainted with them. Would James, who was so cautious, and even timid, have ventured to begin his reign with a bold stroke, which would have given just ground of jealousy to his subjects? It appears from that monarch's Basilicon Doron, written while he was in Scotland, that the republican ideas of the origin of power from the people were, at that time, esteemed puritanical novelties. The patriarchal scheme, it is remarkable, is inculcated in those votes of the convocation preserved by Overall; nor was Filmer the first inventor of those absurd notions.

[r] Rymer, tom. xviii. p. 117, 594. [s] See his essay De Unitate Ecclesiæ. [t] See Cicero de legibus. [u] 28th of Elizabeth. See State Trials. Sir Robert Knightly, vol. vii. edit. 1st. [w] Rymer, tom. xvii. p. 522. [x] Id. ibid.

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[a] Rymer, tom. xvii. p. 616. [b] Kennet, p. 685. Camden's Brit. vol. i. p. 370. Gibson's edit. [c] Essays De Profer. fin. imp. [d] Franklyn, p. 5. See also Lord Herbert's Memoirs. [e] Apophthegms. [f] Rymer, tom. xvii. p. 632. [g] Cabala, p. 224, first edit.

[h] Men seem then to have been ambitious of representing the counties, but careless of the boroughs. A seat in the house was in itself of small importance; but the former became a point of honour among the gentlemen. Journ. 10 Feb. 1620. Towns, which had formerly neglected their right of sending members, now began to claim it. Journ. 26 Feb. 1623.

[i] An abstract or brief declaration of his majesty's revenue, with the assignations and defalcations upon the same.

[k] The excess was formerly greater, as appears by Salisbury's Account. See chap. 2.

[l] Journ. 21 May, 1604. [m] Coke's Inst. book 4, chap. 1, of fifteenths, quinzins. [n] Id. subsidies temporary. [o] Journ. 11 July, 1610. [p] Coke's Inst. book 4, chap. 1, subsidies temporary. [q] See Statutes at large. [r] Rymer, tom. xvii. p. 526. To the same purpose, see also 21 Jac. VI, cap. 28.

[s] Rymer, tom. xx. p. 15. [t] See a compendium or dialogue inserted in the Memoirs of Wool, chap. 23. [u] P. 449. [x] Rymer, tom. xix. p. 511.

[x] We may judge of the great grievance of purveyance by this circumstance, that the purveyors often gave but six pence for a dozen of pigeons, and two pence for a fowl. Journ. 25 May, 1626.

[y] Rymer, tom. xvii. p. 441, et seq.

[z] This volume was written above twenty-eight years before the present edition of 1786. In that short period prices have perhaps risen more than during the preceding hundred and fifty.

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[a] Journ. 1 March, 1623. [b] Stowe. See also sir Walter Raleigh of the Prerogatives of Parliament, and Johnstoni Hist. lib. 18.

[c] Stowe. [d] In the Harleyan Miscellany, vol. iv. p. 255. [e] Rymer, tom. xvi. p. 717.

[f] Of the invention of shipping. This number is much superior to that contained in Murden, and that delivered by sir Edward Coke to the house of commons; and is more likely.

[g] Sir William Petty. [h] Sir Edward Walker's Political Discourses, p. 270. [i] Coke's Inst. book 4, chap. 1, consultation in parliament for the navy.

[k] By Raleigh's account, in his discourse of the first invention of shipping, the fleet, in the twenty-fourth of the queen, consisted only of thirteen ships, and was augmented afterwards eleven. He probably reckoned some to be pinnaces, which Coke called ships.

[l] Journ. 11 March, 1623. Sir William Monson makes the number amount only to nine new ships, p. 253. [m] Stowe. [n] Parl. Hist. vol. vi. p. 94. [o] Rymer, tom. xvii. p. 413.

[p] That of the honest historian Stowe seems not to have been of this number. 'The great blessings of God,' says he, 'through increase of wealth in the common subjects of this land, especially upon the citizens of London; such within men's memory, and chiefly within these few years of peace, that, except there were now due mention of some sort made thereof, it would in time to come be held incredible, &c.' In another place, 'Amongst the manifold tokens and signs of the infinite blessings of Almighty God bestowed upon this kingdom, by the wondrous and merciful establishing of peace within ourselves, and the full benefit of concord with all Christian nations and others: of all which graces let no man dare to presume he can speak too much; whereof in truth there can never be enough said, neither was there ever any people less considerate and less thankful than at this time, being not willing to endure the memory of their present happiness, as well as in the universal increase of commerce and traffic throughout the kingdom, great building of royal ships and by private merchants, the re-peopling of cities, towns, and villages, beside the discernible and sudden increase of fair and costly buildings, as well within the city of London as the suburbs thereof, especially within these twelve years, &c.

[q] The trade's increase, in the Harleyan Misc. vol. iii. [r] Remarks on his Travels, Harl. Misc. vol. ii. p. 349. [s] Naval Tracts, p. 329, 350. [t] Raleigh's Observations.

[u] Journ. 26th May, 1621.

[w] Journ. 20 May, 1614. Raleigh, in his observations, computes the loss at four hundred thousand pounds to the nation. There are about eighty thousand undressed cloths, says he, exported yearly. He computes, besides, that about one hundred thousand pounds a year had been lost by kersies; not to mention other articles. The account of two hundred thousand cloths a year exported in Elizabeth's reign seems to be exaggerated.

[x] Rymer, tom. xvii. p. 415. [y] Id. ibid. [z] Ibid. p. 410.

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[a] Stowe. [b] Journ. 26th Nov. 1621.
[c] In 1622. [d] Johnstoni Hist. lib. 19.
[e] Misselden's Circle of Commerce, p. 121.
[f] Id. ibid. [g] Happy future State of England, p. 78. [h] Munn's Discourse on the East India Trade, p. 17. [i] Anderson, vol. i. p. 447. [k] Rymer, tom. xvii. p. 621.
[l] Ibid. p. 621, 633.

[m] The name of Polynices, one of Oedipus's sons, means in the original 'much quarrelling.' In the altercations between the two brothers, in Æschylus, Sophocles, and Euripides, this conceit is employed; and it is remarkable that so poor a conundrum could not be rejected by any of these three poets, so justly celebrated for their taste and simplicity. What could Shakespeare have done worse? Terence has his 'inceptio est amentium, non amantium.' Many similar instances will occur to the learned. It is well known that Aristotle treats very seriously of puns, divides them into several classes, and recommends the use of them to orators.

[n] Invenire etiam barbari solent, disponere et ornare non nisi eruditus. PLIN.

[o] Rymer, tom. xvii. p. 217. [p] Ibid. p. 709.
[q] Ibid. p. 95.

NOTES

TO

THE FOURTH VOLUME.

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[a] Rushworth, vol. i. p. 171. Parl. History, vol. vi. p. 346. Franklyn, p. 108. [b] A subsidy was now fallen to about fifty-six thousand pounds. Cabala, p. 224, first edit. [c] Dugdale, p. 25, 26. [d] Parl. Hist. vol. vi. p. 396. [e] Rushworth, vol. i. p. 177, 178, &c. Parl. Hist. vol. vi. p. 399. Franklyn, p. 108, 109. Journ. 10 Aug. 1625. [f] Rushworth, vol. i. p. 190. [g] Parl. Hist. vol. vi. p. 390. [h] Franklyn, p. 109. Rushworth, vol. i. p. 175, 176, &c. 325, 326, &c. [i] Journ. 18 April, 1626. [k] Franklyn, p. 3, &c. [l] Parl. Hist. vol. vi. p. 374. Journ. 1 Aug. 1625. [m] Parl. Hist. vol. vi. p. 353. Journ. 7 July, 1625. [n] Rushworth, vol. i. p. 281. [o] 1 Car. I, cap. 1. Journ. 21 June, 1625. [p] Franklyn, p. 113. Rushworth, vol. i. p. 190.

[q] The plague was really so violent, that it had been moved in the house at the beginning of the session to petition the king to adjourn them. Journ. 21 June, 1625. So it was impossible to enter upon grievances, even if there had been any. The only business of the parliament was to give supply, which was so much wanted by the king, in order to carry on the war in which they had engaged him.

[r] Rushworth, vol. i. p. 192. Parl. Hist. vol. vi. p. 407. [s] Franklyn, p. 113. Rushworth, vol. i. p. 196.

[t] It is always an express clause in the writ of summons that no sheriff shall be chosen; but the contrary practice had often prevailed. D'Ewes, p. 38. Yet still great doubts were entertained on this head. See Journ. 9 April, 1614.

[u] Journ. 27 March, 1626. [x] Parliament. History, vol. vi. p. 449. Rushworth, vol. i. p. 224.

[y] His credit with the king had given him such influence, that he had no less than twenty proxies granted him this parliament by so many peers; which occasioned a vote that no peer should have above two proxies. The earl of Leicester in 1585 had once ten proxies. D'Ewes, p. 314.

[z] Rushworth, vol. i. p. 236.

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[a] Rushw. vol. i. p. 237. Franklyn, p. 120, &c. [b] Rushworth, vol. i. p. 256, 262, 263, &c. Franklyn, p. 123, &c. [c] Rushworth, vol. i. p. 217. Whitlocke, p. 5. [d] Rushworth, vol. i. p. 306, &c. 375, &c. Journ. 25 March, 1626.

[e] By a speech of sir Simon D'Ewes, in the first year of the long parliament, it clearly appears, that the nation never had, even to that time, been rightly informed concerning the transactions of the Spanish negotiation, and still believed the court of Madrid to have been altogether insincere in their professions. What reason, upon that supposition, had they to blame either the prince or Buckingham for their conduct, or for the narrative delivered to the parliament? This is a capital fact, and ought to be well attended to. D'Ewes's speech is in Nalson, vol. ii. p. 368. No author or historian of that age mentions the discovery of Buckingham's impostures as a cause of disgust in the parliament. Whitlocke, p. 1, only says, that the commons began to suspect, that it had been spleen in Buckingham, not zeal for public good, which had induced him to break the Spanish match: a clear proof that his falsehood was not suspected. Wilson, p. 780, says, that Buckingham lost his popularity after Bristol arrived, not because that nobleman discovered to the world the falsehood of his narrative, but because he proved that Buckingham, while in Spain, had professed himself a papist; which is false, and which was never said by Bristol. In all the debates which remain, not the least hint is ever given that any falsehood was suspected in the narrative. I shall farther add, that even if the parliament had discovered the deceit in Buckingham's narrative, this ought not to have altered their political measures, or made them refuse supply to

the king. They had supposed it practicable to wrest the Palatinate by arms from the house of Austria; they had represented it as prudent to expend the blood and treasure of the nation in such an enterprise; they had believed that the king of Spain never had any sincere intention of restoring that principality. It is certain that he had not now any such intention: and though there was reason to suspect, that this alteration in his views had proceeded from the ill conduct of Buckingham, yet past errors could not be retrieved; and the nation was undoubtedly in the same situation, which the parliament had ever supposed, when they so much harassed their sovereign, by their impatient, importunate, and even undutiful solicitations. To which we may add, that Charles himself was certainly deceived by Buckingham, when he corroborated his favourite's narrative by his testimony. Party historians are somewhat inconsistent in their representations of these transactions: they represent the Spaniards as totally insincere, that they may reproach James with credulity in being so long deceived by them: they represent them as sincere, that they may reproach the king, the prince, and the duke, with falsehood in their narrative to the parliament. The truth is, they were insincere at first; but the reasons, proceeding from bigotry, were not suspected by James, and were at last overcome. They became sincere; but the prince, deceived by the many unavoidable causes of delay, believed that they were still deceiving him.

[f] Rushworth, vol. i. p. 371. [g] Parl. Hist. vol. vi. p. 444. [h] Id. ibid. p. 451. Rushworth, vol. i. p. 225. Franklyn, p. 118. [i] Rushworth, vol. i. p. 359. Whitlocke, p. 6. [k] Rushworth, vol. i. p. 356. [l] Id. ibid. p. 358, 361. Franklyn, p. 180. [m] Rushworth, vol. i. p. 363, 364, &c. Franklyn, p. 181. [n] Ibid. p. 195. Rushworth. [o] See the list in Franklyn and Rushworth. [p] Rushworth, vol. i. p. 209. [q] Rushworth, vol. i. p. 400. Franklyn, p. 199. [r] Ibid. p. 178. [s] Rushworth, vol. i. p. 398. [t] Sanderson's Life of Charles I, p. 58. [u] Franklyn, p. 203, &c. Parl. Hist. vol. vii. p. 300. [x] Rushworth, vol. i. p. 413. Whitlocke, p. 7. [y] Rushw. vol. i. p. 415. Franklyn, p. 206. [z] Rushworth, ut supra.

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[a] Rushworth, vol. i. p. 416. [b] Ibid. p. 418. Whitlocke, p. 8. [c] Rushworth, vol. i. p. 419. Franklyn, p. 207. [d] Rushworth, vol. i. p. 422. Franklyn, p. 208. [e] Rushworth, vol. i. p. 431. [f] Ibid. p. 429. Franklyn, p. 210. [g] Rushworth, vol. i. p. 458. Franklyn, p. 224. Whitlocke, p. 8. [h] 25 Edw. III, cap. 4. 28 Edw. III, cap. 3. 37 Edw. III, cap. 18. 38 Edw. III, cap. 9. 42 Edw. III, cap. 3. 1 Richard II, cap. 12. [i] Chap. 29. [k] Rushworth, vol. i. p. 462. [l] State Trials, vol. vii. p. 147. [m] Id. ibid. p. 161. [n] Rushworth, vol. i. p. 419. [o] Ibid. [p] Ibid. p. 422. [q] Ibid. p. 431. [r] Parl. Hist. vol. vii. p. 310. [s] Rushworth, vol. i. p. 419. Whitlocke, p. 7. [t] Clarendon, vol. i. p. 38. [u] Memoires de Mad. de Motteville. [x] Clarendon, vol. i. p. 38. [y] Rushworth, vol. i. p. 423, 424. [z] Ibid. p. 426.

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[a] Whitlocke, p. 8. Sir Philip Warwick, p. 25. [b] Franklyn, p. 230. [c] Sanderson, p. 106. Walker, p. 339. [d] Rushworth, vol. i. p. 477. Franklyn, p. 233. [e] Rushworth, vol. i. p. 479. Franklyn, p. 234. [f] Ibid. p. 243. Rushworth, vol. i. p. 499. [g] Franklyn, p. 245. Parl. Hist. vol. vii. p. 363. Rushworth, vol. i. p. 502. [h] Franklyn, p. 243. Rushworth, vol. i. p. 500. [i] Franklyn, p. 251. Rushw. vol. i. p. 513. Whitlocke, p. 9. [k] Rushworth, vol. i. p. 526. Whitlocke, p. 9. [l] Ibid. p. 10. [m] State Trials, vol. vii. p. 187. Rushworth, vol. i. p. 546. [n] State Trials, vol. vii. p. 193. [o] Ibid. p. 196. Rushworth, vol. i. p. 556. [p] State Trials, vol. vii. p. 198. Rushworth, vol. i. p. 560. Parliament. Hist. vol. viii. p. 111. [q] State Trials, vol. vii. p. 199. Rushworth, vol. i. p. 561. Parl. Hist. vol. viii. p. 116. Whitlocke, p. 10.

[r] This petition is of so great importance, that we shall here give it at length. Humbly shew unto our sovereign lord the king, the lords spiritual and temporal, and commons, in parliament assembled, that, whereas it is declared and enacted by a statute made in the time of the reign of king Edward I, commonly called Statutum de tallagio non concedendo, that no tallage or aid shall be levied by the king or his heirs in this realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other the freemen of the commonalty of this realm: and, by authority of parliament holden in the five and twentieth year of the reign of king Edward III, it is declared and enacted, that, from thenceforth, no person shall be compelled to make any loans to the king against his will, because

such loans were against reason, and the franchise of the land: and, by other laws of this realm, it is provided, that none should be charged by any charge or imposition called a benevolence, or by such like charge: by which the statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in parliament.

II. Yet nevertheless, of late divers commissions directed to sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your privy council, and in other places; and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted: and divers other charges have been laid and levied upon your people, in several counties, by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace, and others, by command or direction from your majesty, or your privy council, against the laws and free customs of this realm.

III. And whereas also, by the statute called The great charter of the liberties of England, it is declared and enacted, that no freeman may be taken or imprisoned, or be disseised of his freehold or liberties, or his free customs, or be outlawed or exiled, or in any manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. And, in the eight and twentieth year of the reign of king Edward III, it was declared and enacted, by authority of parliament, that no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disherited, nor put to death, without being brought to answer by due process of law.

V. Nevertheless, against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause shewed; and, when, for their deliverance, they were brought before justice, by your majesty's writs of habeas corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your majesty's special command, signified by the lords of your privy council, and yet were returned back to several prisons, without being charged with any thing to which they might make answer according to the law.

VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people.

VII. And whereas also, by authority of parliament, in the five and twentieth year of the reign of king Edward III, it is declared and enacted, that no man shall be fore-judged of life or limb against the form of the great charter and law of the land: and, by the said great charter, and other the laws and statutes of this your realm, no man ought to be judged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: and whereas no offender, of what kind soever, is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless, of late divers commissions, under your majesty's great seal, have issued forth, by which certain persons have been assigned and appointed commissioners, with power and authority to proceed within the land, according to the justice of martial law, against such soldiers and mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny, or other outrage or misdemeanour whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial.

VIII. By pretext whereof some of your majesty's subjects have been by some of the said commissioners put to death, when and where, if, by the laws and statutes of the land, they had deserved death, by the same laws and statutes also they might, and by no other ought, to have been judged and executed.

IX. And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forborn to proceed against such offenders, according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid: which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm.

X. They do therefore humbly pray your most excellent majesty, that no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent, by act of parliament: and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted, concerning the same, or for refusal thereof: and that no freeman, in any such manner as is before mentioned, be imprisoned or detained: and that your majesty would be pleased to remove the said soldiers and mariners, and that people may not be so burdened in time to come; and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled: and that hereafter no commissions of like nature may issue forth, to any person or persons whatsoever, to be executed as aforesaid, lest, by colour of them, any of your majesty's subjects be destroyed, or put to death, contrary to the laws and franchise of the land.

XI. All which they most humbly pray of your most excellent majesty, as their rights and liberties, according to the laws and statutes of this realm: and that your majesty would also vouchsafe to declare, that the awards, doings, and proceedings to the prejudice of your people, in any of the premises, shall not be drawn hereafter into consequence or example: and that your majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, that in the things aforesaid, all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your majesty, and the prosperity of this kingdom. Stat. 17 Car. cap. 14.

[a] State Trials, vol. vii. p. 212. Rushworth, vol. i. p. 590. [b] Parl. Hist. vol. viii. p. 206. [c] Rushworth, vol. i. p. 585, 594. Parl. Hist. vol. viii. p. 168, 169, 170, &c. Welwood, p. 44. [d] Rushworth, vol. i. p. 65. Parliament. Hist. vol. viii. p. 212. [e] Rushworth, vol. i. p. 635. Whitlocke, p. 11. [f] Rushw. vol. i. p. 607.

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[a] Rushworth, vol. i. p. 605. [b] Rushworth, vol. i. p. 610. Parl. Hist. vol. viii. p. 197. [c] Rushworth, vol. i. p. 613. Journ. 7th June, 1628. Parl. Hist. vol. viii. p. 201. [d] Rushworth, vol. i. p. 613. [e] Ibid. p. 614. Parl. Hist. vol. viii. p. 214. [f] Journ. 13th June, 1628. [g] Rushworth, vol. i. p. 612. [h] Ibid. p. 619. Parl. Hist. vol. viii. p. 219, 220, &c. [i] Rushw. vol. i. p. 628. Journ. 18, 20 June, 1628. [k] Journ. 26 June, 1628. [l] May's Hist. of the Parliament, p. 10. [m] Clarendon, vol. i. p. 27, 28. [n] Warwick, p. 34. [o] Rushworth, vol. i. p. 636. [p] State Trials, vol. vii. p. 216. Rushworth, vol. i. p. 643. [q] State Trials, vol. vii. p. 216. Parl. Hist. vol. viii. p. 246. [r] Ibid. p. 339, 340. [s] 6 Henry VIII, cap. 14. [t] Journ. 5 July, 1625.

[u] The reason assigned by sir Philip Warwick, p. 2, for this unusual measure of the commons, is, that they intended to deprive the crown of the prerogative, which it had assumed, of varying the rates of the impositions, and at the same time were resolved to cut off the new rates fixed by James. These were considerable diminutions both of revenue and prerogative; and whether they would have there stopped, considering their present disposition, may be much doubted. The king, it seems, and the lords, were resolved not to trust them; nor to render a revenue once precarious, which perhaps they might never afterwards be able to get re-established on the old footing.

[x] Rushw. vol. i. p. 644. Parl. Hist. vol. viii. p. 256, 346. [y] Rushworth, vol. i: p. 642. [z] Idem, ibid. p. 651. Whitlocke, p. 12.

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[a] Essay of Atheism. [b] Rushworth, vol. i. p. 646. Parl. Hist. vol. viii. p. 260. [c] Rushworth, vol. i. p. 655. Parliament. Hist. vol. viii. p. 289.

[d] Rushw. vol. i. p. 654. Parl. Hist. vol. viii. p. 301. [e] Rushworth, vol. i. p. 653. [f] Ibid. p. 658. [g] Parl. Hist. vol. viii. p. 326.

[h] The king's power of adjourning, as well as proroguing, the parliament was and is never questioned. In the 19th of the late king the

judges determined that the adjournment by the king kept the parliament in statu quo until the next sitting; but that then no committees were to meet: but if the adjournment be by the house, then the committees and other matters do continue. Parl. Hist. vol. v. p. 466.

[i] Rushworth, vol. i. p. 660. Whitlocke, p. 12. [k] Rushworth, vol. i. p. 661, 681. Parl. Hist. vol. viii. p. 354. May, p. 13. [l] Rushworth, vol. i. p. 684, 691. [m] Whitlocke, p. 13. [n] Kennet, vol. iii. p. 49. [o] Rushworth, vol. v. p. 440. [p] Rushworth, vol. ii. p. 23, 24. [q] Idem, ibid. p. 75. Whitlocke, p. 14. [r] Rushworth, vol. i. p. 46, 53, 62, 83. [s] Franklyn, vol. i. p. 415. [t] May, p. 21. [u] Sir Edw. Walker, p. 328. [x] Whitlocke, p. 13. May, p. 20. [y] Ibid. p. 25. [z] Rushworth, vol. ii. p. 190. Welwood, p. 61.

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[a] Rushworth, vol. iii. p. 1327. Whitlocke, p. 97. [b] Rushworth, vol. ii. p. 76, 77. Welwood, p. 275. Franklyn, p. 386. [c] Rushw. vol. ii. p. 207. [d] Whitlocke, p. 24. [e] Rushworth, vol. ii. p. 272, 273. [f] Ibid. p. 152. State Trials, vol. v. p. 46. Franklyn, p. 410, 411, 412. [g] Rushworth, vol. ii. p. 186. [h] Ibid. p. 249. Franklyn, p. 451. [i] Rushworth, vol. ii. p. 272. [k] State Papers collected by the earl of Clarendon, p. 338. [l] Whitlocke, p. 22. [m] Franklyn, p. 114. Rushworth, vol. i. p. 201. [n] Parl. Hist. vol. viii. p. 389. Rushw. vol. ii. p. 3. [o] Clarendon, vol. i. p. 4. May, p. 14. [p] Rushworth, vol. ii. p. 8. May, p. 16. [q] Rushworth, vol. ii. p. 9. [r] Idem, ibid. p. 10. [s] Idem, ibid. p. 11, 12, 13, 247. [t] Idem, ibid. p. 49. [u] Statutum de militibus. [x] Rymer, tom. xv. p. 124. [y] Idem, 493, 504. [z] Rushworth, vol. ii. p. 70, 71, 72. May, p. 16. [a] Rushworth, vol. ii. p. 32.

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[a] Kennet's complete History, vol. iii. p. 60. Whitlocke, p. 15. [b] Idem, p. 17. [c] Rushworth, vol. ii. p. 88, 89, 90, 207, 462, 718. [d] Idem, ibid. p. 103. [e] Rushworth, vol. ii. p. 136, 142, 189, 252. [f] Idem, ibid. p. 153, 159, &c. Franklyn, p. 412. [g] Rushworth, vol. ii. p. 202, 203. [h] Ibid. p. 215, 216, &c.

[i] The music in the churches, he affirmed not to be the noise of men, but a bleating of brute beasts; choristers bellow the tenor, as it were oxen; bark a counterpart, as it were a kennel of dogs; roar out a treble, as it were a sort of bulls; and grunt out a base, as it were a number of hogs; Christmas, as it is kept, is the devil's Christmas. And Prynne employed a great number of pages to persuade men to affect the name of Puritan, as if Christ had been a Puritan; and so he saith in his Index. Rushworth, vol. ii. p. 223.

[k] Rushw. vol. ii. p. 220, 221, &c. [l] Dugdale, p. 2. [m] Rushworth, vol. ii. p. 193, 459. Whitlocke, p. 16, 17. Franklyn, p. 437. [n] Rushworth, vol. ii. p. 191, 192. May, p. 2. [o] Rushworth, vol. ii. p. 183. [p] Whitlocke, p. 23. Clarendon, vol. i. p. 99. [q] Ibid. p. 97. May, p. 23. [r] Rushworth, vol. ii. p. 257, 258, &c. [s] Ibid. vol. iv. p. 535, 542.

[t] Here is a passage of sir John Davis's Question concerning Impositions, p. 131. [u] This power of laying on arbitrarily new impositions being a prerogative in point of government, as well as in point of profit, it cannot be restrained or bound by act of parliament; it cannot be limited by any certain or fixt rule of law, no more than the course of a pilot upon the sea, who must turn the helm, or bear higher or lower sail, according to the wind or weather; and therefore it may be properly said, that the king's prerogative in this point, is as strong as Samson; it cannot be bound: for though an act of parliament be made to restrain it, and the king doth give his consent unto it, as Samson was bound with his own consent, yet if the Philistines come; that is, if any just or important occasion do arise, it cannot hold or restrain the prerogative; it will be as thread, and broken as easy as the bonds of Samson. The king's prerogatives are the sun-beams of the crown, and as inseparable from it as the sun-beams from the sun: the king's crown must be taken from him; Samson's hair must be cut out, before his courage can be any jot abated. Hence it is that neither the king's act, nor any act of parliament, can give away his prerogative.'

[x] Rushworth, vol. ii. p. 270. Vol. iii. App. p. 106. [y] Idem, vol. iii. p. 333. Franklyn, p. 478. [z] May, p. 16. [a] Strafford's Letters and Dispatches, vol. ii. p. 117.

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[a] Rushworth, vol. ii. p. 270. [b] Ibid. p. 269. [c] Life of Clarendon, vol. i. p. 72. [d] Lord Lansdown, p. 514.

[e] Ibid. p. 515. This story is told differently in Hobart's Reports, p. 120. It there appears

that Markham was fined only five hundred pounds, and very deservedly; for he gave the lie, and wrote a challenge, to lord Darcy. James was anxious to discourage the practice of duelling, which was then very prevalent.

[f] Rushworth, vol. ii. p. 144. [g] Idem, ibid. p. 288. [h] Idem, ibid. p. 348. [i] Idem, ibid. p. 350. [k] Idem, ibid. p. 316. [l] Idem, ibid. p. 381, 382, &c. State Trials, vol. v. p. 66. [m] Ibid. p. 80. [n] Ibid. p. 74. Franklyn, p. 839. [o] Rushworth, vol. ii. p. 150, 151. Whitlocke, p. 15. History of the Life and Sufferings of Laud, p. 211, 212. [p] Rushworth, vol. ii. p. 409, 418.

[q] Mather's History of New England, book i. Dugdale. Bates. Hutchinson's Hist. of Massachuset's Bay, vol. i. p. 42. This last quoted author puts the fact beyond controversy. And it is a curious fact, as well with regard to the characters of the men as of the times. Can any one doubt that the ensuing quarrel was almost entirely theological, not political? What might be expected of the populace when such was the character of the most enlightened leaders?

[r] May, p. 32. [s] Rushworth, vol. ii. p 414. [t] Ibid. p. 416, &c. [u] Ibid. p. 803, &c. Whitlocke, p. 25. [x] Rushworth, vol. ii. p. 416. [y] Idem, ibid. p. 197. [z] Idem, ibid. p. 451.

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[a] Rushw. vol. ii. p. 465, 466, 467. [b] Ibid. p. 470. Welwood, p. 278. [c] Rushworth, vol. iii. p. 180. [d] Ibid. vol. ii. p. 355. Whitlocke, p. 24. [e] State Trials, vol. v. p. 245, 255. [f] See State Trials, article Shipmoney; which contains the speeches of four judges in favour of Hambden.

[g] Clarendon, p. 74, 75. May, p. 18. Warwick, p. 62. [h] Rushworth, vol. ii. p. 386. May, p. 29. [i] Guthry's Memoirs, p. 14. Burnet's Mem. p. 29, 30. [k] King's Declaration, p. 7. Franklyn, p. 611. [l] King's Declaration, p. 6. [m] Burnet's Mem. p. 29, 30. [n] May, p. 29. [o] Burnet's Mem. p. 29, 30, 31. [p] Clarendon, vol. i. p. 106. [q] Idem, ibid. p. 105. [r] King's Declaration, p. 18. May, p. 32. [s] King's Declaration, p. 20. [t] Burnet's Mem. p. 31. Rushw. vol. ii. p. 396. May, p. 31. [u] King's Declaration, p. 22. Clarendon, vol. i. p. 108. Rushworth, vol. ii. p. 387. [x] King's Declaration, p. 23, 24, 25. Rushworth, vol. ii. p. 388. [y] King's Declaration, p. 26, 30. Clarendon, vol. i. p. 109. [z] King's Declaration, p. 32. Rushworth, vol. ii. p. 400.

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[a] King's Declaration, p. 35, 36, &c. Rushworth, vol. ii. p. 404. [b] King's Decl. p. 31. [c] Ibid. p. 47, 48, &c. Guthry, p. 28. May, p. 37. [d] Clarendon, vol. i. p. 111. Rushworth, vol. ii. p. 734. [e] King's Declaration, p. 57, 58. Rushw. vol. ii. p. 734. May, p. 38. [f] Rushworth, vol. ii. p. 754, &c. [g] King's Decl. p. 87. [h] Ibid. p. 88. Rushworth, vol. ii. p. 751. [i] King's Decl. p. 137. Rushworth, vol. ii. p. 762. [k] King's Decl. p. 140, &c. [l] Rushworth, vol. ii. p. 772. [m] King's Decl. p. 188, 189. Rushworth, vol. ii. p. 761.

[n] A presbytery in Scotland is an inferior ecclesiastical court, the same that was afterwards called a classis in England, and is composed of the clergy of the neighbouring parishes, to the number commonly of between twelve and twenty.

[o] King's Decl. p. 190, 191, 290. Guthry, p. 39, &c. [p] King's Decl. p. 218. Rushworth, vol. ii. p. 787. [q] May, p. 44. [r] King's Decl. p. 317. [s] Mem. d'Estrades, vol. i. [t] May, p. 49. [u] Guthry's Memoirs, p. 46. [x] King's Declaration at large, p. 227. Burnet's Memoirs of Hamilton. [y] Rushw. vol. iii. p. 1329. Franklyn, p. 767. [z] Clarendon, vol. i. p. 115, 116, 117.

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[a] Burnet's Memoirs of Hamilton. [b] Rushworth, vol. iii. p. 936. [c] Ibid. p. 945. [d] Clarendon, vol. i. p. 122, 123. May, p. 46. [e] Rushworth, vol. iii. p. 946. [f] Burnet's Memoirs, p. 154. Rushworth, vol. iii. p. 951. [g] Idem, ibid. p. 958, &c. [h] Ibid. p. 955. [i] Clarendon, vol. i. p. 125. Rushw. vol. iii. p. 1023. [k] Clarendon, vol. i. p. 129. Rushw. vol. iii. p. 956. May, p. 56. [l] Rushworth, vol. ii. p. 1114. [m] Clarendon, vol. i. p. 133. Rushworth, vol. iii. p. 1131. May, p. 60. [n] Rushworth, vol. iii. p. 1136. [o] Idem, ibid. p. 1147. [p] Clarendon, vol. i. p. 134. [q] Clarendon, vol. i. p. 135. Rushworth, vol. iii. p. 1154. [r] Clarendon, vol. i. p. 138. [s] Idem, ibid. p. 136. [t] Rushworth, vol. iii. p. 1167. May, p. 61.

[u] There was one in 1586. See history of archbishop Laud, p. 80. The authority of the convocation was indeed, in most respects, independent of the parliament, and there was no

reason which required the one to be dissolved upon the dissolution of the other.

[x] Whitlocke, p. 33. [y] Ibid. [z] Dugdale, p. 62. Clarendon, vol. i. p. 143.

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[a] Dugdale, p. 65. [b] Rushworth, vol. iii. p. 1166.

[c] We shall here make use of the liberty, allowed in a note, to expatiate a little on the present subject. It must be confessed that the king, in this declaration, touched upon that circumstance in the English constitution, which it is most difficult, or rather altogether impossible, to regulate by laws, and which must be governed by certain delicate ideas of propriety and decency, rather than by any exact rule or prescription. To deny the parliament all right of remonstrating against what they esteem grievances, were to reduce that assembly to a total insignificancy, and to deprive the people of every advantage which they could reap from popular councils. To complain of the parliament's employing the power of taxation as the means of extorting concessions from their sovereign, were to expect, that they would entirely disarm themselves, and renounce the sole expedient, provided by the constitution, for ensuring to the kingdom a just and legal administration. In different periods of English story, there occur instances of their remonstrating with their princes in the freest manner, and sometimes of their refusing supply, when disgusted with any circumstance of public conduct. It is, however, certain, that this power, though essential to parliaments, may easily be abused, as well by the frequency and minuteness of their remonstrances, as by their intrusion into every part of the king's counsels and determinations. Under colour of advice, they may give disguised orders; and in complaining of grievances, they may draw to themselves every power of government. Whatever measure is embraced, without consulting them, may be pronounced an oppression of the people; and, till corrected, they may refuse the most necessary supplies to their indigent sovereign. From the very nature of this parliamentary liberty, it is evident, that it must be left unbounded by law: for who can foretell how frequently grievances may occur, or what part of administration may be affected by them? From the nature too of the human frame, it may be expected, that this liberty would be exerted in its full extent, and no branch of authority be allowed to remain unmolested in the hands of the prince. For will the weak limitations of respect and decorum be sufficient to restrain human ambition, which so frequently breaks through all the prescriptions of law and justice?

But here it is observable, that the wisdom of the English constitution, or rather the concurrence of accidents, has provided, in different periods, certain irregular checks to this privilege of parliament, and thereby maintained, in some tolerable measure, the dignity and authority of the crown.

In the ancient constitution, before the beginning of the seventeenth century, the meetings of parliament were precarious, and were not frequent. The sessions were short; and the members had no leisure, either to get acquainted with each other, or with public business. The ignorance of the age made men more submissive to that authority which governed them. And above all, the large demesnes of the crown, with the small expence of government during that period, rendered the prince almost independent, and taught the parliament to preserve great submission and duty towards him.

In our present constitution, many accidents, which have rendered governments every where, as well as in Great Britain, much more burdensome than formerly, have thrown into the hands of the crown the disposal of a large revenue, and have enabled the king, by the private interest and ambition of the members, to restrain the public interest and ambition of the body. While the opposition (for we must still have an opposition, open or disguised) endeavours to draw every branch of administration under the cognizance of parliament, the courtiers reserve a part to the disposal of the crown; and the royal prerogative, though deprived of its ancient powers, still maintains a due weight in the balance of the constitution.

It was the fate of the house of Stuart to govern England at a period, when the former source of authority was already much diminished, and before the latter began to flow in any tolerable abundance. Without a regular and fixed foundation, the throne perpetually tottered: and the prince sat upon it anxiously and precariously. Every expedient used by James and Charles in order to support their dignity, we have seen attended with sensible inconveniencies. The majesty of the crown, derived from ancient powers and prerogatives, procured respect, and checked the approaches of insolent intruders; but it begat in the king

so high an idea of his own rank and station, as made him incapable of stooping to popular courses, or submitting in any degree to the control of parliament. The alliance with the hierarchy strengthened law by the sanction of religion: but it enraged the puritanical party, and exposed the prince to the attacks of enemies, numerous, violent, and implacable. The memory too of these two kings, from like causes, has been attended, in some degree, with the same infelicity which pursued them during the whole course of their lives. Though it must be confessed, that their skill in government was not proportioned to the extreme delicacy of their situation; a sufficient indulgence has not been given them, and all the blame, by several historians, has been unjustly thrown on their side. Their violations of law, particularly those of Charles, are, in some few instances, transgressions of a plain limit, which was marked out to royal authority. But the encroachments of the commons, though in the beginning less positive and determinate, are no less discernible by good judges, and were equally capable of destroying the just balance of the constitution. While they exercised the powers transmitted to them, in a manner more independent, and less compliant, than had ever before been practised; the kings were, perhaps imprudently, but, as they imagined, from necessity, tempted to assume powers, which had scarcely ever been exercised, or had been exercised in a different manner by the crown. And from the shock of these opposite pretensions, together with religious controversy, arose all the factions, convulsions, and disorders, which attended that period.

[This note was, in the first editions, a part of the text.]

[a] May, p. 48. [b] Rushworth, vol. iii. p. 1181. [c] Idem, vol. i. p. 168. [d] May, p. 63. [e] Rushworth, vol. iii. p. 1216. May, p. 63. [f] Rushworth, vol. iii. p. 1173, 1182, 1184. 1199, 1200, 1203, 1204. [g] Ibid. vol. iii. p. 1279. [h] Nalson, vol. ii. p. 427. [i] Clarendon, vol. i. p. 143. [k] Rushworth, vol. iii. p. 1255. [l] Clarendon, vol. i. p. 155. [m] Rushworth, vol. iii. p. 1263. [n] Clarendon, vol. i. p. 146. Rushworth, vol. iii. p. 1260. May, p. 66. Warwick, p. 151. [o] Nalson, vol. ii. p. 5. [p] Clarendon, vol. i. p. 159. [q] Rushworth, vol. iii. p. 1190, 1191, 1192, &c. May, p. 64. [r] Rushworth, vol. iii. p. 1199. [s] Clarendon, vol. i. p. 154. Rushw. vol. iii. p. 1275. [t] Rushworth, vol. iii. p. 1279. [u] Ibid. p. 1305.

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[a] Clarendon, vol. i. p. 169. [b] Whitlocke, p. 36. [c] Id. ibid. [d] Clarendon, vol. i. p. 172. [e] Ibid. p. 174. [f] Ibid. p. 177. Whitlocke, p. 38. Rushworth, vol. iii. p. 1365. [g] Clarendon, vol. i. p. 177. Whitlocke, p. 38. Rushworth, vol. i. p. 129, 136. [h] Ibid. vol. v. p. 122. [i] Clarendon, vol. i. p. 178. Whitlocke, p. 37. [k] Clarendon, vol. i. p. 176. [l] Id. ibid. [m] Ibid. p. 177. [n] Whitlocke, p. 39. [o] Nalson, vol. i. p. 678.

[p] An act of parliament, 25 Hen. VIII, cap. 19, allowed the convocation, with the king's consent, to make canons. By the famous act of submission to that prince the clergy bound themselves to enact no canons without the king's consent. The parliament was never mentioned, nor thought of. Such pretensions as the commons advanced at present would, in any former age, have been deemed strange usurpations.

[q] Clarendon, vol. i. p. 206. Whitlocke, p. 37. Rushworth, vol. v. p. 235, 359. Nalson, vol. i. p. 807.

[r] Lord Clarendon says it was intirely new; but there are instances of it in the reign of Elizabeth. D'Ewes, p. 296, 352. There are also instances in the reign of James.

[s] Clarendon, vol. i. p. 176. [t] Nalson, vol. i. p. 783. May, p. 79. [u] Clarendon, vol. i. p. 199, 200, &c. Nalson, vol. i. p. 570. May, p. 80. [x] Rushworth, vol. v. p. 228. Nalson, vol. i. p. 800. [y] Dugdale. Clarendon, vol. i. p. 203. [z] Husb. Col. p. 536.

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[a] Published on dissolving the third parliament. See Parliament. Hist. vol. viii. p. 347. [b] Rushworth, vol. iii. p. 1295. [c] It appears that a subsidy was now fallen to fifty thousand pounds. [d] Dugdale, p. 71. [e] Clarendon, vol. i. p. 189. [f] Nalson, vol. i. p. 530, 533 [g] Idem, ibid. p. 537. [h] Clarendon, vol. i. p. 203. Whitlocke, p. 37. Nalson, vol. i. p. 666. [i] Rushworth, vol. v. p. 171. [k] Clarendon, vol. i. p. 237. [l] Idem, ibid. [m] Whitlocke, p. 45. [n] Rushworth, vol. v. p. 351. [o] Ibid. p. 203. [p] Parl. Hist. vol. vii. p. 282. Rushworth, vol. v. p. 209. [q] Clarendon, vol. i. p. 199. Whitlocke, p. 122. May, p. 81.

[r] Lord Clarendon, vol. i. p. 233, says that the parliamentary party were not agreed about the entire abolition of episcopacy: they were only the root and branch men, as they were called,

who insisted on that measure. But those who were willing to retain bishops insisted on reducing their authority to a low ebb, as well as on abolishing the ceremonies of worship and vestments of the clergy. The controversy, therefore, between the parties was almost wholly theological, and that of the most frivolous and ridiculous kind.

[a] Rushworth, vol. v. p. 160. [b] Id. ibid. p. 158, 159. Nalson, vol. i. p. 739. [c] Rushworth, vol. v. p. 166. Nalson, vol. i. p. 749.

[d] It is now known, from the Clarendon papers, that the king had also an authorised agent who resided at Rome. His name was Bret, and his chief business was to negociate with the pope concerning indulgences to the catholics; and to engage the catholics, in return, to be good and loyal subjects. But this whole matter, though very innocent, was most carefully kept secret. The king says that he believed Bret to be as much his as any papist could be. See p. 348, 354.

[e] Rushworth, vol. v. p. 301. [f] Clarendon, vol. i. p. 249. Rushw. vol. v. p. 57. [g] Ibid. p. 267.

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[a] It appears not that the commons, though now entirely masters, abolished the new impositions of James, against which they had formerly so loudly complained: a certain proof that the rates of customs, settled by that prince, were in most instances just, and proportioned to the new price of commodities. They seem rather to have been low. See Journ. 10 Aug. 1625.

[b] It was an instruction given by the house, to the committee which framed one of these bills, to take care that the rates upon exportation may be as light as possible, and upon importation as heavy as trade will bear; a proof that the nature of commerce began now to be understood. Journ. 1 June, 1641.

[c] Clarendon, vol. i. p. 208. [d] Ibid. p. 209. Whitlocke, p. 39. Rushworth, vol. v. p. 189.

[e] Clarendon, vol. i. p. 195. [f] Warwick, p. 95. [g] Clarendon, vol. i. p. 210, 211.

[h] Ibid. p. 192. [i] Whitlocke, p. 37.

[k] Clarendon, vol. i. p. 193. [l] Ibid. p. 214.

[m] Rushworth, vol. v. p. 214. [n] Clarendon, vol. i. p. 216. [o] Idem, ibid. [p] Whitlocke, p. 40. Rushworth, vol. iv. p. 41. May, p. 90. [q] Rushworth, vol. iv. p. 145. [r] Ibid. p. 120, 247. Warwick, p. 115. [s] Nalson, vol. ii. p. 45. [t] Rushworth, vol. iv. p. 124.

[u] Warwick, p. 115. [x] Rushworth, vol. iv. p. 187. [y] Ibid. p. 559. [z] Ibid. p. 659, &c.

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[a] Page 41. [b] Clarendon, vol. i. p. 223, 229, 230, &c. Whitlocke, p. 41. May, p. 93.

[c] Rushworth, vol. iv. p. 560. [d] Whitlocke, p. 43. [e] Idem, ibid. [f] Clarendon, vol. i. p. 232, 256. Rushworth, vol. v. p. 248, 1279. [g] Whitlocke, ut supra. [h] Clarendon, vol. i. p. 247. Whitlocke, p. 43. [i] Rushworth, vol. v. p. 240. [k] Idem, ibid. p. 255.

[l] Clarendon, vol. i. p. 252. Rushw. vol. v. p. 241. Warwick, p. 180. [m] Dugdale, p. 69. Franklyn, p. 901. [n] Sir Edw. Walker, p. 349. [o] Rushworth, vol. v. p. 239.

[p] Whitlocke, p. 43. [q] Clarendon, vol. i. p. 232. [r] Ibid. p. 257. Warwick, p. 160.

[s] Clarendon, vol. i. p. 258. Rushw. vol. v. p. 251. [t] Whitlocke, p. 44. Franklyn, p. 896.

[u] Mr. Carte, in his life of the duke of Ormond, has given us some evidence to prove that this letter was entirely a forgery of the popular leaders, in order to induce the king to sacrifice Strafford. He tells us that Strafford said so to his son, the night before his execution. But there are some reasons why I adhere to the common way of telling this story. 1. The account of the forgery comes through several hands, and from men of characters not fully known to the public. A circumstance which weakens every evidence. It is a hearsay of a hearsay. 2. It seems impossible but young lord Strafford must inform the king, who would not have failed to trace the forgery, and expose his enemies to their merited infamy. 3. It is not to be conceived but Clarendon and Whitlocke, not to mention others, must have heard of the matter. 4. Sir George Ratcliffe, in his life of Strafford, tells the story in the same way that Clarendon and Whitlocke do. Would he also, who was Strafford's intimate friend, never have heard of the forgery? It is remarkable that this life is dedicated or addressed to young Strafford. Would not he have put sir George right in so material and interesting a fact?

[x] Clarendon, vol. i. p. 261, 262. Rushworth, vol. v. p. 264.

[y] What made this bill appear of less consequence was, that the parliament voted tonnage and poundage for no longer a period than two months: and as that branch was more than

half of the revenue, and the government could not possibly subsist without it, it seemed indirectly in the power of the parliament to continue themselves as long as they pleased. This indeed was true in the ordinary administration of government: but on the approaches towards a civil war, which was not then foreseen, it had been of great consequence to the king to have reserved the right of dissolution, and to have endured any extremity, rather than allow the continuance of the parliament.

[z] Whitlocke, p. 44.

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[a] Rushworth, vol. v. p. 265. [b] Nalson, vol. ii. p. 198. [c] Rushw. vol. v. p. 267.

[d] That Strafford was secretly no enemy to arbitrary counsels appears from some of his letters and dispatches, particularly vol. ii. p. 60, where he seems to wish that a standing army were established.

[e] Rushworth, vol. iv. p. 567, 568, 569, 570.

[f] The project of bringing up the army to London, according to Piercy, was proposed to the king; but he rejected it as foolish; because the Scots, who were in arms, and lying in their neighbourhood, must be at London as soon as the English army. This reason is so solid and convincing, that it leaves no room to doubt of the veracity of Piercy's evidence; and consequently acquits the king of this terrible plot of bringing up the army, which made such a noise at the time, and was a pretence for so many violences.

[g] Clarendon, vol. i. p. 266. [h] Idem, ibid. p. 283, 284. Whitlocke, p. 47. Rushworth, vol. iii. p. 1383, 1384. [i] Rushworth, vol. v. p. 307. [k] May, p. 107. [l] Nalson, vol. i. p. 778. [m] Rushworth, vol. v. p. 387. [n] Ibid. p. 376. [o] Whitlocke, p. 38. [p] Nalson, vol. i. p. 747. May, p. 104. [q] Rushworth, vol. v. p. 365. Clarendon, vol. ii. p. 393. [r] Burnet, Mem. [s] Ibid. [t] Ibid. [u] Ibid. [x] Ibid. [y] Clarendon, vol. ii. p. 309.

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[a] Whitlocke, p. 40. Dugdale, p. 72. Burnet's Memoirs of the house of Hamilton, p. 184, 185. Clarendon, p. 299. [b] Sir John Temple's Irish Rebellion, p. 12. [c] Clarendon, vol. i. p. 281. Rushworth, vol. v. p. 381. Dugdale, p. 75. May, book 2, p. 3. [d] Temple, p. 14. [e] Nalson, vol. ii. p. 543. [f] Temple, p. 72, 73, 78. Dugdale, p. 73. [g] Ibid. p. 74. [h] Rushworth, vol. v. p. 408. Nalson, vol. ii. p. 565. [i] Rushworth, vol. v. p. 399. Nalson, vol. ii. p. 520. May, book 2, p. 6. [k] Temple, p. 17, 18, 19, 20. Rushw. vol. v. p. 400. [l] Temple, p. 39, 40, 79. [m] Idem, p. 42. [n] Idem, p. 40. [o] Idem, p. 39, 40. [p] Idem, p. 96, 101. Rushw. vol. v. p. 415. [q] Temple, p. 100. [r] Idem, p. 84. [s] Idem, p. 99, 106. Rushw. vol. v. p. 414. [t] Whitlocke, p. 47. Rushw. vol. v. p. 416. [u] Temple, p. 100. [w] Idem, p. 85, 106. [x] Idem, p. 94, 107, 108. Rushworth, vol. v. p. 407. [y] Temple, p. 44. [z] Idem, p. 41. Rushw. vol. i. p. 416.

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[a] Temple, p. 42. [b] Idem, p. 64. [c] Idem, p. 88. [d] Idem, p. 62. [e] Idem, p. 43, 62. [f] Nalson, vol. ii. p. 905. [g] Temple, p. 33. Rushw. vol. v. p 402. [h] Temple, p. 60. Borlase, Hist. p. 28. [i] Whitlocke, p. 49. [k] Rushworth, vol. v. p. 400, 401. [l] Idem, ibid. p. 402. [m] Ibid. p. 407. [n] Clarendon, vol. ii. p. 301.

[o] It is now so universally allowed, notwithstanding some muttering to the contrary, that the king had no hand in the Irish rebellion, that it will be superfluous to insist on a point which seems so clear. I shall only suggest a very few arguments, among an infinite number which occur. (1) Ought the affirmation of perfidious, infamous rebels ever to have passed for any authority? (2) Nobody can tell us what the words of the pretended commission were. That commission which we find in Rushworth, vol. v. p. 400, and in Milton's Works, Toland's edition, is plainly an imposture; because it pretends to be dated in October 1641, yet mentions facts which happened not till some months after. It appears that the Irish rebels, observing some inconsistence in their first forgery, were obliged to forge this commission anew, yet could not render it coherent or probable. (3) Nothing could be more obviously pernicious to the king's cause than the Irish rebellion; because it increased his necessities, and rendered him still more dependent on the parliament, who had before sufficiently shewn on what terms they would assist him. (4) The instant the king heard of the rebellion, which was a very few days after its commencement, he wrote to the parliament, and gave over to them the management of the war. Had he built any projects on that rebellion, would he not have waited some little time to see how

they would succeed? would he presently have adopted a measure which was evidently so hurtful to his authority? (5) What can be imagined to be the king's projects? To raise the Irish to arms, I suppose, and bring them over to England for his assistance. But is it not plain that the king never intended to raise war in England? Had that been his intention, would he have rendered the parliament perpetual? Does it not appear, by the whole train of events, that the parliament forced him into the war? (6) The king conveyed to the justices intelligence which ought to have prevented the rebellion. (7) The Irish catholics, in all their future transactions with the king, where they endeavour to excuse their insurrection, never had the assurance to plead his commission. Even among themselves they dropped that pretext. It appears that sir Phelim O'Neale, chiefly, and he only at first, promoted that imposture. See Carte's Ormond, vol. iii. N° 100, 111, 112, 114, 115, 121, 132, 137. (8) O'Neale himself confessed the imposture on his trial and at his execution. See Nalson, vol. ii. p. 528. Maguire, at his execution, made a like confession. (9) It is ridiculous to mention the justification which Charles II gave to the marquis of Antrim, as if he had acted by his father's commission. Antrim had no hand in the first rebellion and the massacre. He joined not the rebels till two years after: it was with the king's consent, and he did important service, in sending over a body of men to Montrose.

[p] Clarendon, vol. ii. p. 435. Sir Ed. Walker, p. 6. [q] Nalson, vol. ii. p. 618. Clarendon, vol. iv. p. 590. [r] Rushw. vol. v. p. 438. Nalson, vol. ii. p. 694. [s] Whitlocke, p. 49. Dugdale, p. 71. Nalson, vol. ii. p. 668. [t] Rushworth, vol. v. p. 429. [u] Id. ibid. p. 437. Nalson, vol. ii. p. 692. [w] Ibid. p. 748. [x] Rushworth, vol. v. p. 457, 458, &c. Clarendon, vol. ii. p. 327. Nalson, vol. ii. p. 738, 750, 751, &c. [y] Rushworth, vol. v. p. 385, 386. Nalson, vol. ii. p. 482. [z] Ibid. p. 511.

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[a] Rushw. vol. v. p. 359. [b] Clarendon, vol. ii. p. 304. [c] Ibid. p. 415. [d] Journ. 30th November, 1641. Nalson, vol. ii. p. 688. [e] Ibid. p. 646. Journ. 16th Novem. 1641. Dugdale, p. 77. [f] Rushworth, part 3, vol. i. p. 710. [g] Nalson, vol. ii. p. 784, 792. [h] Ibid. p. 792. Journ. 27th, 28th, and 29th of December, 1641. [i] Clarendon, vol. ii. p. 339. [k] Idem, ibid. p. 336. [l] Dugdale, p. 78. [m] Whitlocke, p. 51. Rushworth, vol. v. p. 466. Nalson, vol. ii. p. 794. [n] Clarendon, vol. ii. p. 355. [o] Ibid. p. 360. [p] Whitlocke, p. 50. Rushw. vol. v. p. 473. Nalson, vol. ii. p. 811. Franklyn, p. 906. [q] Whitlocke, p. 50. Rushw. vol. v. p. 474, 475. [r] Whitlocke, p. 51. Warwick, p. 204. [s] Whitlocke, p. 50. [t] Ibid. May, book 2, p. 20. [u] Whitlocke, p. 51. [x] Rushworth, vol. v. p. 479. Clarendon, vol. ii. p. 361. [y] Nalson, vol. ii. p. 836. [z] Ibid. p. 833.

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[a] Whitlocke, p. 52. Dugdale, p. 82. Clarendon, vol. ii. p. 380. [b] Dugdale, p. 84. Rushw. vol. v. p. 484, 488, 492, &c. [c] Ibid. p. 487. [d] Ibid. p. 462. [e] Dugdale, p. 87. [f] Clarendon, vol. ii. p. 412. [g] Ibid. p. 413. [h] Ibid. p. 449. [i] King's Declar. of 12th of August, 1642. [k] Ibid. [l] Nalson, vol. ii. p. 512. [m] Clarendon, vol. ii. p. 428. [n] Rushw. vol. v. p. 489. Clarendon, vol. ii. p. 385. [o] Rushworth, vol. v. p. 459. [p] Nalson, vol. ii. p. 850. [q] Rushworth, vol. v. p. 519. [r] Ibid. p. 521. [s] Ibid. [t] Ibid. [u] Ibid. p. 516, 517. [w] Ibid. part 3, vol. i. chap. 4, p. 523. [x] Ibid. vol. v. p. 524. [y] Ibid. p. 532. [z] Ibid. part 3, vol. i. chap. 4, p. 524.

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[a] Clarendon. Rushw. part 3, vol. i. chap. 2, p. 495. [b] Dugdale, p. 89. [c] Warwick, p. 203. [d] Rushworth, vol. v. p. 526.

[e] The great courage and conduct displayed by many of the popular leaders have commonly inclined men to do them, in one respect, more honour than they deserve, and to suppose that, like able politicians, they employed pretences which they secretly despised, in order to serve their selfish purposes. It is however probable, if not certain, that they were, generally speaking, the dupes of their own zeal. Hypocrisy, quite pure and free from fanaticism, is perhaps, except among men fixed in a determined philosophical scepticism, then unknown, as rare as fanaticism entirely purged from all mixture of hypocrisy. So congenial to the human mind are religious sentiments, that it is impossible to counterfeit long these holy fervours, without feeling some share of the assumed warmth: and, on the other hand, so precarious and temporary, from the frailty of human nature, is the operation of these spiritual views, that the reli-

gious ecstasies, if constantly employed, must often be counterfeit, and must be warped by those more familiar motives of interest and ambition which insensibly gain upon the mind. This indeed seems the key to most of the celebrated characters of that age. Equally full of fraud and of ardour, these pious patriots talked perpetually of seeking the Lord, yet still pursued their own purposes; and have left a memorable lesson to posterity, how delusive, how destructive, that principle is by which they were animated.

With regard to the people, we can entertain no doubt that the controversy was, on their part, entirely theological. The generality of the nation could never have flown out into such fury, in order to obtain new privileges and acquire greater liberty than they and their ancestors had ever been acquainted with. Their fathers had been entirely satisfied with the government of Elizabeth: why should they have been thrown into such extreme rage against Charles, who, from the beginning of his reign, wished only to maintain such a government? and why not, at least, compound matters with him, when, by all his laws, it appeared that he had agreed to depart from it? especially as he had put it entirely out of his power to retract that resolution. It is in vain, therefore, to dignify this civil war and the parliamentary authors of it, by supposing it to have any other considerable foundation than theological zeal, that great and noted source of animosity among men. The royalists also were very commonly zealots; but as they were at the same time maintaining the established constitution, in state as well as church, they had an object which was natural, and which might produce the greatest passion, even without any considerable mixture of theological fervour.

[The former part of this note was, in the first editions, a part of the text.]

[f] Rushworth, vol. v. p. 751.

[g] In some of these declarations, supposed to be penned by lord Falkland, is found the first regular definition of the constitution, according to our present ideas of it, that occurs in any English composition; at least any published by authority. The three species of government, monarchical, aristocratical, and democratical, are there plainly distinguished, and the English government is expressly said to be none of them pure, but all of them mixed and tempered together. This style, though the sense of it was implied in many institutions, no former king of England would have used, and no subject would have been permitted to use. Banks and the crown lawyers against Hambden, in the case of ship money, insist plainly and openly on the king's absolute and sovereign power: and the opposite lawyers do not deny it; they only assert that the subjects have also a fundamental property in their goods, and that no part of them can be taken but by their own consent in parliament. But that the parliament was instituted to check and control the king, and share the supreme power, would, in all former times, have been esteemed very blunt and indiscreet, if not illegal, language. We need not be surprised that governments should long continue, though the boundaries of authority, in their several branches, be implicit, confused, and undetermined. This is the case all over the world. Who can draw an exact line between the spiritual and temporal powers in catholic states? What code ascertained the precise authority of the Roman senate in every occurrence? Perhaps the English is the first mixed government, where the authority of every part has been very accurately defined: and yet there still remain many very important questions between the two houses that, by common consent, are buried in a discreet silence. The king's power is indeed more exactly limited; but this period, of which we now treat, is the time at which that accuracy commenced. And it appears from Warwick and Hobbes that many royalists blamed this philosophical precision in the king's penman, and thought that the veil was very imprudently drawn off the mysteries of government. It is certain that liberty reaped mighty advantages from these controversies and inquiries; and the royal authority itself became more secure within those provinces which were assigned to it.

[Since the first publication of this history the sequel of lord Clarendon has been published; where that nobleman asserts that he himself was the author of most of these remonstrances and memorials of the king.]

[h] May, book 2, p. 99. [i] Rushworth, vol. v. p. 534.

[k] The king, by his coronation oath, promises that he would maintain the laws and customs which the people had chosen; 'quas vulgus elegerit:' the parliament pretended that elegerit meant 'shall choose;' and consequently that the king had no right to refuse any bills which should be presented him. See Rushworth, vol. v. p. 580.

[l] Whitlocke, p. 55. Rushw. vol. v. p. 565, &c. May, book 2, p. 51. [m] Whitlocke, p. 57. Rushworth, vol. v. p. 717. Dugdale, p. 93. May, book 2, p. 54. [n] Vicar's God in the Mount. [o] Whitlocke, p. 58. Dugdale, p. 96, 99. [p] May, book 2, p. 59. [q] Rushworth, vol. v. p. 626, 627. May, book 2, p. 86. Warwick, p. 210. [r] Rushworth, vol. v. p. 722. May, book 2, p. 54. [s] Rushworth, vol. v. p. 728. Warwick, p. 189. [t] Clarendon, vol. iii. p. 4. [u] Walker, p. 336. [w] Warwick, p. 318. [x] Clarendon, vol. iii. p. 1, 2. [y] Idem, ibid. p. 18. [z] Ibid. p. 7.

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[a] Clarendon, vol. iii. p. 7. [b] Rushworth, vol. v. p. 784. [c] Clarendon, vol. iii. p. 10. [d] Rushworth, vol. v. p. 786. Dugdale, p. 102. [e] Whitlocke, p. 59. [f] Rushworth, vol. v. p. 683. Whitlocke, p. 60. Clarendon, vol. iii. p. 19. [g] Ibid. vol. vi. p. 2, 3, &c. [h] Whitlocke, p. 60. [i] Clarendon, vol. iii. p. 16, 17. Dugdale, p. 104. [k] Clarendon, vol. iii. p. 25. May, book 3, p. 10. [l] He was then lord Willoughby. [m] Clarendon, vol. iii. p. 41. Warwick, p. 231. [n] Whitlocke, p. 59. Clarendon, vol. iii. p. 27, 28, &c. [o] Ibid. p. 44. [p] Ibid. p. 44, &c. May, book 3, p. 16, &c. [q] Whitlocke, p. 61. Clarendon, vol. iii. p. 59. [r] Whitlocke, p. 62. Clarendon, vol. iii. p. 73. [s] Whitlocke, p. 62. Clarendon, vol. iii. p. 75. [t] Whitlocke, p. 62. [u] Clarendon, vol. iii. p. 87. [w] Ibid. p. 171. [x] Whitlocke, p. 64. [y] Rushworth, vol. vi. p. 202. [z] Ibid. p. 166. Clarendon, vol. iii. p. 119.

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[a] Whitlocke, who was one of the commissioners, says, p. 65, 'In this treaty the king manifested his great parts and abilities, strength of reason and quickness of apprehension, with much patience in hearing what was objected against him; wherein he allowed all freedom, and would himself sum up the arguments, and give a most clear judgment upon them. His unhappiness was, that he had a better opinion of others judgments than of his own, though they were weaker than his own; and of this the parliament commissioners had experience to their great trouble. They were often waiting on the king, and debating some points of the treaty with him, until midnight, before they could come to a conclusion. Upon one of the most material points, they pressed his majesty with their reasons and best arguments they could use to grant what they desired. The king said, he was fully satisfied, and promised to give them his answer in writing according to their desire; but because it was then past midnight, and too late to put it into writing, he would have it drawn up next morning (when he commanded them to wait on him again), and then he would give them his answer in writing, as it was now agreed upon. But next morning the king told them, that he had altered his mind: and some of his friends, of whom the commissioners inquired, told them, that after they were gone, and even his council retired, some of his bedchamber never left pressing and persuading him till they prevailed on him to change his former resolutions.' It is difficult, however, to conceive, that any negociation could have succeeded between the king and parliament, while the latter insisted, as they did all along, on a total submission to all their demands; and challenged the whole power, which they professedly intended to employ, to the punishment of the king's friends.

[b] Rushworth, vol. vi. p. 265, &c. Clarendon, vol. iii. p. 237, 238, &c. [c] Ibid. p. 137, 139. [d] Dugdale, p. 95.

[e] He had taken possession of Litchfield, and was viewing from a window St. Chad's cathedral, in which a party of the royalists had fortified themselves. He was cased in complete armour, but was shot through the eye by a random ball. Lord Broke was a zealous puritan; and had formerly said that he hoped to see with his eyes the ruin of all the cathedrals of England. It was a superstitious remark of the royalists, that he was killed on St. Chad's day by a shot from St. Chad's cathedral, which pierced that very eye by which he hoped to see the ruin of all cathedrals. Dugdale, p. 118. Clarendon, &c.

[f] Whitlocke, p. 66. Rushw. vol. vi. p. 152. Clarendon, vol. iii. p. 151. [g] Rushworth, vol. vi. p. 92, 100. [h] Ibid. p. 263. [i] Clarendon, vol. iii. p. 130. [k] Rushworth, vol. vi. p. 267, 273. Clarendon, vol. iii. p. 269, 279. [l] Rushworth, vol. vi. p. 284. Clarendon, vol. iii. p. 282. [m] Rushworth, vol. vi. p. 285. Clarendon, vol. iii. p. 291. [n] Warwick's Memoirs, p. 241. Clarendon, vol. i. p. 264.

[o] The author is sensible that some blame may be thrown upon him, on account of this last clause in Mr. Hambden's character: as if he were willing to entertain a suspicion of bad in-

tentions, where the actions were praise-worthy. But the author's meaning is directly contrary: he esteems the last actions of Mr. Hambden's life to have been very blameable; though, as they were derived from good motives, only pushed to an extreme, there is room left to believe, that the intentions of that patriot, as well as of many of his party, were laudable. Had the preceding administration of the king, which we are apt to call arbitrary, proceeded from ambition, and an unjust desire of encroaching on the ancient liberties of the people, there would have been less reason for giving him any trust, or leaving in his hands a considerable share of that power which he had so much abused. But if his conduct was derived in a great measure from necessity, and from a natural desire of defending that prerogative which was transmitted to him from his ancestors, and which his parliaments were visibly encroaching on; there is no reason why he may not be esteemed a very virtuous prince, and entirely worthy of trust from his people. The attempt, therefore, of totally annihilating monarchical power, was a very blameable extreme; especially as it was attended with the danger, to say the least, of a civil war, which, besides the numberless ills inseparable from it, exposed liberty to much greater perils than it could have incurred under the now limited authority of the king. But as these points could not be supposed so clear during the time, as they are, or may be at present; there are great reasons of alleviation for men who were heated by the controversy, or engaged in the action. And it is remarkable, that even at present (such is the force of party prejudices) there are few people who have coolness enough to see these matters in a proper light, or are convinced that the parliament could prudently have stopped in their pretensions. They still plead the violations of liberty attempted by the king, after granting the petition of right; without considering the extreme harsh treatment which he met with, after making that great concession, and the impossibility of supporting government by the revenue then settled on the crown. The worst of it is, that there was a great tang of enthusiasm in the conduct of the parliamentary leaders, which, though it might render their conduct sincere, will not much enhance their character with posterity. And though Hambden was, perhaps, less infected with this spirit than many of his associates, he appears not to have been altogether free from it. His intended migration to America, where he could only propose the advantage of enjoying puritanical prayers and sermons, will be allowed a proof of the prevalence of this spirit in him.

[p] Rushw. vol. vi. p. 284. Clarendon, vol. iii. p. 293, 294, &c. [q] Ibid. ubi supra, p. 297.

[r] Whitlocke, p. 69. May, book 3, p. 91.

[s] Rushw. vol. vi. p. 287. Clarendon, vol. iii. p. 315. May, book 3, p. 96.

[t] The king afterwards copied from this example; but, as the far greater part of the nobility and landed gentry were his friends, he reaped much less profit from this measure.

[u] Rushw. vol. vi. p. 326. Clarendon, vol. iii. p. 249, 250, &c. [w] 6th of June. [x] Rushworth, vol. vi. p. 325. Clarendon, vol. ii. p. 255.

[y] Whitlocke, p. 66. Rushworth, vol. vi. p. 330. Clarendon, vol. iii. p. 253, 254, &c. [z] Rushworth, vol. vi. p. 357.

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[a] Whitlocke, p. 67. [b] Rushworth, vol. vi. p. 290. [c] Idem, ibid. p. 356. [d] Clarendon, vol. iii. p. 320. Rushworth, vol. vi. p. 588.

[e] Ibid. p. 292. [f] Idem, ibid. [g] Clarendon, vol. iii. p. 344. [h] Rushworth, vol. vi. p. 292. [i] Ibid. p. 293. Clarendon, vol. iii. p. 347. [k] Whitlocke, p. 70. Clarendon, vol. iii. p. 350, 351, &c. [l] 21st of May.

[m] 31st of July. [n] 30th of June. [o] Rushworth, vol. vi. p. 275. [p] 12th of October.

[q] Warwick, p. 261. Walker, p. 278. [r] Rushworth, vol. vi. p. 390. Clarendon, vol. iii. p. 68.

[s] Curse ye Meroz, said the angel of the Lord; curse ye bitterly the inhabitants thereof: because they came not to the help of the Lord, to the help of the Lord against the mighty. Judges, chap. v. ver. 23.

[t] Rushworth, vol. vi. p. 398.

[u] In a letter of the king to the queen, preserved in the British Musæum, and published by Mrs. Macaulay, vol. iv. p. 420, he says, that unless religion was preserved, the militia (being not as in France a formed powerful strength) would be of little use to the crown; and that if the pulpits had not obedience, which would never be, if presbyterian government was absolutely established, the king would have but small comfort of the militia. This reasoning shews the king's good sense, and proves that his attachment to episcopacy, though partly founded on religious principles, was also, in his situation, derived from the soundest views of civil policy. In reality, it was easy for the king to perceive, by the necessary connexion between trifles and

important matters, and by the connexion maintained at that time between religion and politics, that, when he was contending for the surplice, he was in effect fighting for his crown, and even for his head. Few of the popular party could perceive this connexion: most of them were carried headlong by fanaticism; as might be expected in the ignorant multitude. Few even of the leaders seem to have had more enlarged views.

[w] Rushworth, vol. vi. p. 462. [x] Id. ibid. p. 406. [y] 22d of June. [z] Whitlocke, p. 73. Rushworth, vol. vi. p. 466. Clarendon, vol. iii. p. 300.

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[a] Rushw. vol. vi. p. 478. Clarendon, vol. iii. p. 373. [b] Rushworth, vol. vi. p. 388. [c] Clarendon, vol. iii. p. 383.

[d] A thousand acres in Ulster were given to every one that subscribed two hundred pounds, in Connaught to the subscribers of three hundred and fifty, in Munster for four hundred and fifty, in Leinster for six hundred.

[e] Rushworth, vol. vi. p. 506. [f] Id. ibid. p. 512. [g] Idem, ibid. p. 555. [h] Id. ibid. p. 530. Clarendon, vol. iii. p. 167. [i] Rushworth, vol. vi. p. 537. [k] Idem, ibid. p. 538. [l] Idem, ibid. p. 540.

[m] See farther Carte's Ormond, vol. iii. N° 113, 127, 128, 129, 134, 136, 141, 144, 149, 158, 159. All these papers put it past doubt that the necessities of the English army in Ireland were extreme. See farther, Rushw. vol. vi. p. 537, and Dugdale, p. 853, 854. [n] 7th Sept. See Rushw. vol. vi. p. 537, 544, 547. [o] Idem, ibid. p. 557. [p] Whitlocke, p. 78, 103. [q] Rushw. vol. vi. p. 680, 783. [r] Ibid. vol. vi. p. 560. [s] Idem, p. 559. [t] Idem, p. 566, 574, 575. [u] Idem, p. 590. [x] Dugdale, p. 119. Rushworth, vol. vi. p. 748. [y] Clarendon, vol. iii. p. 442. Rushw. vol. vi. p. 566. Whitlocke, p. 77. [z] Clarendon, vol. iii. p. 444. Rushw. vol. vi. p. 569, 570. Whitlocke, p. 94.

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[a] Clarendon, vol. iii. p. 449. Whitlocke, p. 79. [b] Ibid. p. 66. [c] Journ. 13th of February, 1643. [d] Rushw. vol. vi. p. 299. [e] Ibid. p. 301. [f] Ibid. p. 615. [g] Idem, ibid. p. 618. [h] Idem, ibid. p. 620. [i] 29th of March. [k] Rushworth, vol. vi. p. 306. [l] 21st of March. [m] Rushworth, vol. vi. p. 621. [n] Ibid. p. 321. [o] Life of the Duke of Newcastle, p. 40. [p] Clarendon, vol. v. p. 506. [q] Rushworth, part 3, vol. ii. p. 633. [r] Ibid. p. 632. Whitlocke, p. 89. [s] Clarend. vol. v. p. 507, 508. See Warwick. [t] Clarendon, vol. v. p. 511. [u] Rushworth, vol. vi. p. 638. [x] Whitlocke, p. 88. [y] Rushworth, vol. vi. p. 641. [z] Ibid. p. 662.

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[a] 3d of June. [b] Rushworth, vol. vi. p. 676. Clarendon, vol. v. p. 497. Sir Edw. Walker, p. 31. [c] Rushworth, vol. vi. p. 699, &c. Whitlocke, p. 98. Clarendon, vol. v. p. 524, 525. Sir Edw. Walker, p. 69, 70, &c. [d] Rushworth, vol. vi. p. 721, &c. [e] Rushworth, vol. vii. p. 1. [f] Clarendon, vol. v. p. 561. [g] Idem, ibid. p. 562. [h] Idem, ibid. [i] Idem, ibid. p. 565. [k] Rushworth, vol. vi. p. 364. [l] Whitlocke, p. 114, 115. Rushworth, vol. vii. p. 6. [m] Ibid. p. 8, 15. [n] Whitlocke, p. 118. Rushw. vol. vii. p. 7. [o] Whitlocke, p. 133. [p] Clarendon, vol. v. p. 629, 630. Whitlocke, p. 141. [q] 4th of July, 1644. [r] 8th of Sept. 1644. [s] Dugdale, p. 737. Rushw. vol. vi. p. 850. [t] Whitlocke, p. 110. [u] Ibid. p. 111. Dugdale, p. 748.

[x] His words are, 'As for my calling those at London a parliament, I shall refer thee to Digby for particular satisfaction; this in general: if there had been but two besides myself of my opinion I had not done it; and the argument that prevailed with me was, that the calling did no ways acknowledge them to be a parliament; upon which condition and construction I did it, and no otherwise, and accordingly it is registered in the council books, with the council's unanimous approbation.' The King's cabinet opened. Rushworth, vol. iv. p. 943.

[y] Whitlocke, p. 121. Dugdale, p. 758.

[z] Such love of contradiction prevailed in the parliament, that they had converted Christmas, which with the churchmen was a great festival, into a solemn fast and humiliation; 'in order,' as they said, 'that it might call to remembrance our sins and the sins of our forefathers, who, pretending to celebrate the memory of Christ, have turned this feast into an extreme forgetfulness of him, by giving liberty to carnal and sensual delights.' Rushworth, vol. vi. p. 817. It is remarkable that, as the parliament abolished all holidays, and severely prohibited all amusement on the sabbath, and even burned, by the hands of the hangman, the king's book of sports, the nation found that there was no

time left for relaxation or diversion. Upon application, therefore, of the servants and apprentices, the parliament appointed the second Tuesday of every month for play and recreation. Rushworth, vol. vii. p. 460. Whitlocke, p. 247. But these institutions they found great difficulty to execute; and the people were resolved to be merry when they themselves pleased, not when the parliament should prescribe it to them. The keeping of Christmas holidays was long a great mark of malignancy, and very severely censured by the commons. Whitlocke, p. 286. Even minced pies, which custom had made a Christmas dish among the churchmen, was regarded, during that season, as a profane and superstitious viand by the sectaries, though at other times it agreed very well with their stomachs. In the parliamentary ordinance too, for the observance of the sabbath, they inserted a clause for the taking down of maypoles, which they called a heathenish vanity. Since we are upon this subject, it may not be amiss to mention that, beside setting apart Sunday for the ordinances, as they called them, the godly had regular meetings on the Thursdays for resolving cases of conscience, and conferring about their progress in grace. What they were chiefly anxious about was the fixing the precise moment of their conversion or new birth; and whoever could not ascertain so difficult a point of calculation could not pretend to any title to saintship. The profane scholars at Oxford, after the parliament became masters of that town, gave to the house in which the zealots assembled the denomination of Scruple Shop. The zealots, in their turn, insulted the scholars and professors; and, intruding into the place of lectures, declaimed against human learning, and challenged the most knowing of them to prove that their calling was from Christ. See Wood's Fasti Oxonienses, p. 740.

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[a] Dugdale, p. 779, 780. [b] Ibid. p. 798. [c] Ibid. p. 791. [d] Ibid. p. 820. [e] Ibid. p. 877. [f] Ibid. p. 826, 827. [g] Rushworth, vol. vi. p. 850. Dugd. p. 737. [h] Rushworth, vol. vi. p. 830. [i] Warwick, p. 169. [k] Rushworth, vol. vi. p. 838, 839. [l] 12th of July, 1644. [m] Nalson, vol. ii. p. 705.

[n] That Laud's severity was not extreme appears from this fact, that he caused the acts or records of the high commission court to be searched, and found that there had been fewer suspensions, deprivations, and other punishments, by three, during the seven years of his time, than in any seven years of his predecessor Abbot; who was notwithstanding in great esteem with the house of commons. Troubles and Trials of Laud, p. 164. But Abbot was little attached to the court, and was also a puritan in doctrine, and bore a mortal hatred to the papists: not to mention, that the mutinous spirit was rising higher in the time of Laud, and would less bear control. The maxims, however, of his administration were the same that had ever prevailed in England, and that had place in every other European nation, except Holland, which studied chiefly the interests of commerce, and France, which was fettered by edicts and treaties. To have changed them for the modern maxims of toleration, how reasonable soever, would have been deemed a very bold and dangerous enterprise. It is a principle advanced by president Montesquieu, that, where the magistrate is satisfied with the established religion, he ought to repress the first attempts towards innovation, and only grant a toleration to sects that are diffused and established. See l'Esprit des Loix, liv. 25, chap. 10. According to this principle, Laud's indulgence to the catholics, and severity to the puritans, would admit of apology. I own, however, that it is very questionable, whether persecution can in any case be justified: but, at the same time, it would be hard to give that appellation to Laud's conduct, who only enforced the act of uniformity, and expelled the clergymen that accepted of benefices, and yet refused to observe the ceremonies, which they previously knew to be enjoined by law. He never refused them separate places of worship; because they themselves would have esteemed it impious to demand them, and no less impious to allow them.

[o] Nalson, Int. p. 63.

[p] It is not improper to take notice of a mistake committed by Clarendon, much to the disadvantage of this gallant nobleman; that he offered the king, when his majesty was in Scotland, to assassinate Argyle. All the time the king was in Scotland Montrose was confined to prison. Rushworth, vol. vi. p. 980.

[q] Nalson, vol. ii. p. 683. [r] Clarendon, vol. iii. p. 380, 381. Rushworth, vol. vi. p. 980. Wishart, cap. 2. [s] Ibid. cap. 3. [t] Clarendon, vol. v. p. 618. Rushw. vol. vi. p. 982. Wishart, cap. 4. [u] 1st of Sept. 1644. Rushworth, vol. vi. p. 983. Wishart, cap. 5. [x] 11th of Sept. 1644. Rushw. vol. vi. p. 983.

Wishart, cap. 7. [f] Rushworth, vol. vi. p. 985. Wishart, cap. 8. [z] Rushworth, vol. vii. p. 228. Wishart, cap. 9.

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[a] Rushw. vol. vii. p. 229. Wishart, cap. 10. [b] 2d of July. [c] Rushworth, vol. vii. p. 229. Wishart, cap. 11. [d] Rushworth, vol. vii. p. 126, 127. [e] Dugdale, p. 7. Rushworth, vol. vi. p. 281. [f] Ibid. vol. vii. p. 52, 61, 62. Whitlocke, p. 130, 131, 133, 135. Clarendon, vol. v. p. 665. [g] Rushworth, vol. vii. p. 18, 19, &c. [h] Ibid. p. 28. [i] Clarendon, vol. v. p. 652. [k] Whitlocke, p. 146. [l] Rushworth, vol. vii. p. 43. Whitlocke, p. 145. [m] Ibid. [n] Rushworth, vol. vii. p. 44. [o] Clarendon, vol. iv. p. 656, 657. Walker, p. 130, 131. [p] Clarendon, vol. iv. p. 658.

[q] Hearne has published the following extract from a manuscript work of sir Simon D'Ewes, who was no mean man in the parliamentary party. 'On Thursday, the 30th and last day of this instant June 1625, I went to Whitehall, purposely to see the queen, which I did fully all the time she sat at dinner. I perceiv'd her to be a most absolute delicate lady, after I had exactly survey'd all the features of her face, much enliven'd by her radiant and sparkling black eyes. Besides, her deportment among her women was so sweet and humble, and her speech and looks to her other servants so mild and gracious, as I could not abstain from divers deep fetched sighs, to consider that she wanted the knowledge of the true religion.' See Preface to the Chronicle of Dunstable, p. 64.

[r] Rushworth, vol. vii. p. 49. [s] Ibid. p. 55. [t] Ibid. p. 83. [u] Clarendon, vol. iv. p. 690. Walker, p. 137. [x] Clarendon, vol. iv. p. 695. [y] 28th of June. [z] Rushw. vol. vii. p. 117.

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[a] These compositions were different, according to the demerits of the person; but by a vote of the house they could not be under two years rent of the delinquent's estate. Journ. 11th of August, 1648. Whitlocke, p. 160.

[b] Rushworth, vol. vii. p. 108. [c] 15th August, 1645. [d] Rushworth, vol. vii. p. 230, 231. Wishart, cap. 13. [e] 13th of Sept. 1645. [f] Rushw. vol. vii. p. 231. [g] Guthry's Memoirs. Rushworth, vol. vii. p. 232.

[h] Ibid. p. 141. It was the same Astley who, before he charged at the battle of Edgehill, made this short prayer, 'O Lord! thou knowest how busy I must be this day. If I forget thee, do not thou forget me.' And with that rose up, and cry'd 'March on, boys!' Warwick, p. 229. There were certainly much longer prayers said in the parliamentary army; but I doubt if there were so good a one.

[i] Carte's Ormond, vol. iii. N° 433. [k] Walker, p. 147. [l] Rushworth, vol. vii. p. 215, &c. [m] Ibid. p. 217, 219. Clarend. vol. iv. p. 744. [n] Rushworth, vol. vii. p. 249. Clarendon, vol. iv. p. 741. [o] Rushworth, vol. vii. p. 239. [p] Birch, p. 119.

[q] Dr. Birch has written a treatise on this subject. It is not my business to oppose any facts contained in that gentleman's performance. I shall only produce arguments which prove that Glamorgan, when he received his private commission, had injunctions from the king to act altogether in concert with Ormond. (1) It seems to be implied in the very words of the commission. Glamorgan is empowered and authorised to treat and conclude with the confederate Roman catholics in Ireland. 'If upon necessity any (articles) be condescended unto, wherein the king's lieutenant cannot so well be seen in, as not fit for us at present publicly to own.' Here no articles are mentioned, which are not fit to be communicated to Ormond, but only not fit for him and the king publicly to be seen in, and to avow. (2) The king's protestation to Ormond ought, both on account of that prince's character, and the reasons he assigns, to have the greatest weight. The words are these: 'Ormond, I cannot but add to my long letter, that, upon the word of a Christian, I never intended Glamorgan should treat any thing without your approbation, much less without your knowledge. For besides the injury to you, I was always diffident of his judgment (though I could not think him so extremely weak as now to my cost I have found); which you may easily perceive in a postscript of a letter of mine to you.' Carte, vol. ii. App. 23. It is impossible that any man of honour, however he might dissemble with his enemies, would assert a falsehood in so solemn a manner to his best friend, especially where that person must have had opportunities of knowing the truth. The letter, whose postscript is mentioned by the king, is to be found in Carte, vol. ii. App. 23. (3) As the king had really so low an opinion of Glamorgan's understanding, it is very unlikely that he would trust him with the sole management of so important and delicate a treaty. And if he had intended that Glamorgan's negociation should have been independent of

Ormond, he would never have told the latter nobleman of it, nor have put him on his guard against Glamorgan's imprudence. That the king judged aright of this nobleman's character, appears from his Century of Arts or Scantling of Inventions, which is a ridiculous compound of lies, chimeras, and impossibilities, and shews what might be expected from such a man. (4) Mr. Carte has published a whole series of the king's correspondence with Ormond, from the time that Glamorgan came into Ireland; and it is evident that Charles all along considers the lord lieutenant as the person who was conducting the negociations with the Irish. The 31st of July 1645, after the battle of Naseby, being reduced to great straits, he writes earnestly to Ormond to conclude a peace upon certain conditions mentioned, much inferior to those granted by Glamorgan; and to come over himself with all the Irish he could engage in his service. Carte, vol. iii. N° 400. This would have been a great absurdity, if he had already fixed a different canal, by which, on very different conditions, he purposed to establish a peace. On the 22d of October, as his distresses multiply, he somewhat enlarges the conditions, though they still fall short of Glamorgan's: a new absurdity! See Carte, vol. iii. p. 411. (5) But what is equivalent to a demonstration, that Glamorgan was conscious that he had no powers to conclude a treaty on these terms, or without consulting the lord lieutenant, and did not even expect that the king would ratify the articles, is the defeazance which he gave to the Irish council at the time of signing the treaty. 'The earl of Glamorgan does no way intend hereby to oblige his majesty other than he himself shall please, after he has received these ten thousand men as a pledge and testimony of the said Roman catholics loyalty and fidelity to his majesty; yet he promises faithfully, upon his word and honour, not to acquaint his majesty with this defeazance, till he had endeavoured, as far as in him lay, to induce his majesty to the granting of the particulars in the said articles: but that done, the said commissioners discharge the said earl of Glamorgan, both in honour and conscience, of any farther engagement to them therein; though his majesty should not be pleased to grant the said particulars in the articles mentioned; the said earl having given them assurance, upon his word, honour, and voluntary oath, that he would never, to any person whatsoever, discover this defeazance in the interim without their consents.' Dr. Birch, p. 96. All Glamorgan's view was to get troops for the king's service without hurting his own honour or his master's. The wonder only is, why the Irish accepted of a treaty, which bound nobody, and which the very person who concludes it, seems to confess he does not expect to be ratified. They probably hoped that the king would, from their services, be more easily induced to ratify a treaty which was concluded, than to consent to its conclusion. (6) I might add, that the lord lieutenant's concurrence in the treaty was the more requisite; because without it the treaty could not be carried into execution by Glamorgan, nor the Irish troops be transported into England: and even with Ormond's concurrence, it clearly appears, that a treaty, so ruinous to the protestant religion in Ireland, could not be executed in opposition to the zealous protestants of that kingdom. No one can doubt of this truth, who peruses Ormond's correspondence in Mr. Carte. The king was sufficiently apprised of this difficulty. It appears indeed to be the only reason why Ormond objected to the granting of high terms to the Irish catholics.

Dr. Birch, in p. 360, has published a letter of the king's to Glamorgan, where he says, 'Howbeit I know you cannot be but confident of my making good all instructions and promises to you and the nuncio.' But it is to be remarked, that this letter is dated in April 5, 1646; after there had been a new negociation entered into between Glamorgan and the Irish, and after a provisional treaty had even been concluded between them. See Dr. Birch, p. 179. The king's assurances, therefore, can plainly relate only to this recent transaction. The old treaty had long been disavowed by the king, and supposed by all parties to be annulled.

[f] Rushworth, vol. vii. p. 224. [g] Whitlocke, p. 106. Rushw. vol. vii. p. 260, 261. [h] Ibid. p. 210. [i] Ibid. p. 308. [k] Clarendon, vol. iv. p. 750. vol. v. p. 16. [l] Rushworth, vol. vii. p. 267. [m] Whitlocke, p. 209.

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[a] Rushworth, vol. vii. p. 271. Clarendon, vol. v. p. 23. [b] 2 Sam. chap. xix. 41, 42, and 43 verses. See Clarendon, vol. v. p. 23, 24. [c] Whitlocke, p. 234. [d] Clarendon, vol. v. p. 30. [e] Rushw. vol. vi. p. 293. [f] Ibid. p. 309. [g] Ibid. vol. vii. p. 319. [h] Ibid. p. 339. [i] Ibid. p. 326. Parl. Hist. vol. xv. p. 236. [k] Ibid. p. 243, 244. [l] Burnet's Mem. of the Hamiltons. [m] Ludlow, Herbert.

[n] Clarendon, vol. v. p. 39. Warwick, p. 298.
[o] Clarendon, vol. v. p. 43.
[p] Fourteen thousand men were only intended to be kept up; six thousand horse, six thousand foot, and two thousand dragoons. Bates.
[q] Rushworth, vol. vii. p. 564. [r] Ibid. vol. vi. p. 134. [s] Ibid. vol. vii. p. 565.
[t] Ibid. p. 474. [u] Parl. Hist. vol. xv. p. 342. [x] Ibid. p. 344. [y] Rushw. vol. vii. p. 457. [z] Ibid. p. 458.

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[a] Rushw. vol. vii. p. 461, 556. [b] Ibid. p. 468. [c] Ibid. p. 474. [d] Ibid. p. 485. Clarendon, vol. v. p. 43. [e] Rushw. vol. vii. p. 497, 505. Whitlocke, p. 250. [f] Rushw. vol. vii. p. 487. [g] Whitlocke, p. 254. Warwick, p. 299. [h] Rushw. vol. vii. p. 514, 515. Clarendon, vol. v. p. 47. [i] Ibid. p. 46.

[k] Clement Walker's History of the Two Juntos, prefixed to his History of Independency, p. 8. This is an author of spirit and ingenuity; and, being a zealous parliamentarian, his authority is very considerable, notwithstanding the air of satire which prevails in his writings. This computation, however, seems much too large, especially as the sequestrations during the time of war could not be so considerable as afterwards.

[l] Yet the same sum precisely is assigned in another book, called Royal Treasury of England, p. 297.

[m] Clement Walker's History of Independency, p. 3, 166. [n] Ibid. p. 8. [o] Id. ibid. [p] Id. ibid.

[q] See John Walker's Attempt towards recovering an account of the numbers and sufferings of the clergy. The parliament pretended to leave the sequestered clergy a fifth of their revenue; but this author makes it sufficiently appear that this provision, small as it is, was never regularly paid the ejected clergy.

[r] Clement Walker's History of Independency, p. 5. Hollis gives the same representation as Walker of the plundering, oppressions, and tyranny, of the parliament; only, instead of laying the fault on both parties, as Walker does, he ascribes it solely to the independent faction. The presbyterians, indeed, being commonly denominated the modern party, would probably be more inoffensive. See Rushw. vol. vii. p. 598, and Parl. Hist. vol. xv. p. 230.

[s] Rushw. vol. vii. p. 503, 547. Clarendon, vol. v. p. 45. [t] Rushw. vol. vii. p. 509. [u] Rushw. vol. vii. p. 567, 633. Ibid. vol. viii. p. 731. [x] Ibid. vol. vii. p. 570. [y] Ibid. p. 572. [z] Ibid. p. 592.

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[a] Rushworth, vol. vii. p. 594. Whitlocke, p. 259. [b] Rushw. vol. vii. p. 593, 594. [c] Ibid. p. 572, 574. [d] Clarendon, vol. i. p. 51, 52, 57.

[e] When the king applied to have his children, the parliament always told him that they could take as much care at London, both of their bodies and souls, as could be done at Oxford. Parl. Hist. vol. xiii. p. 127.

[f] Rushw. vol. vii. p. 590. [g] Warwick, p. 303. Parl. Hist. vol. xvi. p. 40. Clarendon, vol. v. p. 50. [h] Rushw. vol. vii. p. 620. [i] Ibid. p. 629, 632. [k] Ibid. p. 641, 643. Clarendon, vol. v. p. 61. Whitlocke, p. 269. Cl. Walker, p. 38. [l] Rushw. vol. viii. p. 750. Clarendon, vol. v. p. 63. [m] Rushw. vol. vii. p. 646. [n] Whitlocke, p. 265. [o] Rushw. vol. viii. p. 797, 798, &c. [p] Ibid. p. 810.

[q] Salmonet, Ludlow, Hollis, &c. all these, especially the last, being the declared inveterate enemies of Cromwell, are the more to be credited, when they advance any fact, which may serve to apologize for his violent and criminal conduct. There prevails a story that Cromwell intercepted a letter written to the queen, where the king said that he would first raise and then destroy Cromwell. But, besides that this conduct seems to contradict the character of the king, it is, on other accounts, totally unworthy of credit. It is first told by Roger Coke, a very passionate and foolish historian, who wrote too so late as king William's reign; and even he mentions it only as a mere rumour or hearsay, without any known foundation. In the memoirs of lord Broghill we meet with another story of an intercepted letter which deserves some more attention, and agrees very well with the narration here given. It is thus related by Mr. Maurice, chaplain to Roger earl of Orrery: 'Lord Orrery, in the time of his greatness with Cromwell, just after he had so seasonably relieved him in his great distress at Clonmell, riding out of Youghall one day with him and Ireton, they fell into discourse about the king's death. Cromwell thereupon said more than once, that if the king had followed his own judgment, and had been attended by none but trusty servants, he had fooled them all; and that once they had a mind

to have closed with him; but, upon something that happened, fell off from that design. Orrery finding them in good humour, and being alone with them, asked, if he might presume to desire to know, why they would once have closed with his majesty, and why they did not? Cromwell very freely told him he would satisfy him in both his queries. "The reason," says he, "why we would have closed with the king was this: we found that the Scotch and presbyterians began to be more powerful than we, and were likely to agree with him and leave us in the lurch. For this reason we thought it best to prevent them, by offering first to come in upon reasonable conditions: but whilst our thoughts were taken up with this subject, there came a letter to us from one of our spies, who was of the king's bedchamber, acquainting us that our final doom was decreed that very day; that he could not possibly learn what it was, but we might discover it, if we could but intercept a letter sent from the king to the queen, wherein he informed her of his resolution; that this letter was sown up in the skirt of a saddle, and the bearer of it would come with the saddle upon his head, about ten of the clock that night, to the Blue Boar in Holborn, where he was to take horse for Dover. The messenger knew nothing of the letter in the saddle, though some in Dover did. We were at Windsor," said Cromwell, "when we received this letter, and, immediately upon the receipt of it, Ireton and I resolved to take one trusty fellow with us, and to go in troopers' habits to that inn. We did so; and leaving our man at the gate of the inn (which had a wicket only open to let persons in and out) to watch and give us notice when any man came in with a saddle, we went into a drinking stall. We there continued drinking cans of beer till about ten of the clock, when our centinel at the gate gave us notice that the man with the saddle was come. We rose up presently, and, just as the man was leading out his horse saddled, we came up to him with drawn swords, and told him we were to search all that went in and out there; but, as he looked like an honest man, we would only search his saddle, and so dismiss him. The saddle was ungirt; we carried it into the stall where we had been drinking, and ripping open one of the skirts, we there found the letter we wanted. Having thus got it into our hands, we delivered the man (whom we had left with our centinel) his saddle, told him he was an honest fellow, and bid him go about his business; which he did, pursuing his journey without more ado, and ignorant of the harm he had suffered. We found in the letter that his majesty acquainted the queen that he was courted by both factions, the Scotch presbyterians and the army, and that those which bade the fairest for him should have him; but yet he thought he should close with the Scots sooner than with the other. Upon this we returned to Windsor, and, finding we were not like to have good terms from the king, we from that time vowed his destruction." This relation suiting well enough with other passages and circumstances at this time, I have inserted to gratify the reader's curiosity. Carte's Ormond, vol. ii. p. 12.

[r] Clarendon, vol. v. p. 76. [s] Rushw. vol. viii. p. 871. [t] P. 79, 80, &c.

[u] These are the words: 'Laneric, I wonder to hear (if that be true) that some of my friends say that my going to Jersey would have much more furthered my personal treaty than my coming hither, for which, as I see no colour of reason, so I had not been here, if I had thought that fancy true, or had not been secured of a personal treaty; of which I neither do, nor I hope will, repent: for I am daily more and more satisfied with the governor, and find these islanders very good, peaceable, and quiet people. This encouragement I have thought not unfit for you to receive, hoping at least it may do good upon others, though needless to you.' Burnet's Memoirs of Hamilton, p. 326. See also Rushworth, part 4, vol. ii. p. 941. All the writers of that age, except Clarendon, represent the king's going to the isle of Wight as voluntary and intended. Perhaps the king thought it little for his credit to be trepanned into this measure, and was more willing to take it on himself as entirely voluntary. Perhaps he thought it would encourage his friends, if they thought him in a situation which was not disagreeable to him.

[w] Rushw. vol. viii. p. 845, 859. [x] Id. ibid. p. 875. Clarendon, vol. v. p. 87. [y] Ibid. p. 92.

[z] The following was a favourite text among the enthusiasts of that age: "Let the high praises of God be in the mouths of his saints, and a two-edged sword in their hands; to execute vengeance upon the heathen, and punishment upon the people; to bind their kings with chains, and their nobles with fetters of iron; to execute upon them the judgments written: this honour have all his saints." Psalm cxlix.

ver. 6—9. Hugh Peters, the mad chaplain of Cromwell, preached frequently upon this text.

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[a] Rushw. vol. viii. p. 880. [b] Clarendon, vol. v. p. 88. [c] Cl. Walker, p. 70. [d] Ibid. [e] Rushw. vol. viii. p. 965, 967. [f] Ibid. p. 998. Clarendon, vol. v. p. 93. [g] Warwick, p. 329. [h] Rushw. vol. viii. p. 989. [i] Cl. Walker, p. 80. [k] Clarendon, vol. v. p. 101. [l] Whitlocke, p. 305. [m] Clarendon, vol. v. p. 137. [n] Whitlocke, p. 284. [o] Clarendon, vol. v. p. 180. Sir Edward Walker's perfect Copies, p. 6. [p] Ibid. p. 8. [q] Ibid. p. 8, 38. [r] Burnet's Memoirs of Hamilton. [s] Herbert's Memoirs, p. 72. [t] Warwick, p. 324. [u] Clarendon. Sir Edward Walker, p. 319. [w] Walker, p. 11, 12, 24. [x] Ibid. p. 51. [y] Ibid. p. 78. [z] Ibid. p. 45.

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[a] Walker, p. 69, 77. [b] Ibid. p. 56, 68. [c] Ibid. p. 61. [d] Ibid. p. 91, 93. [e] Ibid. p. 29, 35, 49. [f] Ibid. p. 65. [g] Ibid. p. 75, 82. Rushw. vol. viii. p. 1323. [h] Walker, p. 71.

[i] The king composed a letter to the prince, in which he related the whole course of this transaction, and accompanied his narrative with several wise, as well as pathetical, reflections and advices. The words with which he concluded the letter are remarkable. 'By what hath been said, you see how long I have laboured in the search of peace: do not you be disheartened to tread in the same steps. Use all worthy means to restore yourself to your rights, but prefer the way of peace: shew the greatness of your mind, rather to conquer your enemies by pardoning than by punishing. If you saw how unmanly and unchristian the implacable disposition is in our ill wishers, you would avoid that spirit. Censure me not for having parted with so much of our right. The price was great; but the commodity was, security to us, peace to my people. And I am confident that another parliament would remember how useful a king's power is to a people's liberty; of how much power I divested myself, that I and they might meet once again in a parliamentary way, in order to agree the bounds of prince and people. Give belief to my experience, never to affect more greatness or prerogative than what is really and intrinsically for the good of the subjects, not the satisfaction of favourites. If you thus use it, you will never want means to be a father to all, and a bountiful prince to any, whom you incline to be extraordinarily gracious to. You may perceive that all men entrust their treasure where it returns them interest; and if a prince, like the sea, receive and repay all the fresh streams, which the rivers entrust with him, they will not grudge, but pride themselves, to make him up an ocean. These considerations may make you as great a prince as your father is a low one: and your state may be so much the more established, as mine hath been shaken. For our subjects have learned, I dare say, that victories over their princes are but triumphs over themselves, and so will more unwillingly hearken to changes hereafter. The English nation are a sober people, however at present infatuated. I know not but this may be the last time I may speak to you or the world publicly. I am sensible into what hands I am fallen; and yet, I bless God, I have those inward refreshments which the malice of my enemies cannot perturb. I have learned to be busy myself, by retiring into myself; and therefore can the better digest whatever befalls me; not doubting but God's providence will restrain our enemies' power, and turn their fierceness into his praise. To conclude, if God give you success, use it humbly, and be ever far from revenge. If he restore you to your right on hard conditions, whatever you promise, keep. These men, who have violated laws, which they were bound to preserve, will find their triumphs full of trouble. But do not you think any thing in the world worth attaining by foul and unjust means.'

[k] 17th of August. [l] Whitlocke, p. 360. [m] Guthry. [n] 18th of August. [o] Whitlocke. [p] Col. Cooke's Memoirs, p. 174. [q] Rushw. vol. viii. p. 1347. [r] Ibid. p. 1364. [s] Whitlocke. [t] Ibid. p. 360. [u] Rushworth, vol. viii. p. 1425. [w] Warwick, p. 339. [x] Perinchef, p. 85. Lloyde, p. 319. [y] Burnet's History of his own Times. [z] Clement Walker's History of Independency. [a] Herbert, p. 135.

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[b] The imputation of insincerity on Charles I, like most party clamours, is difficult to be removed; though it may not here be improper to say something with regard to it. I shall first remark, that this imputation seems to be of a later growth than his own age; and that even

his enemies, though they loaded him with many calumnies, did not insist on this accusation. *Ludlow*, I think, is almost the only parliamentarian, who imputes that vice to him; and how passionate a writer he is, must be obvious to every one. Neither Clarendon, nor any other of the royalists, ever justify him from insincerity; as not supposing that he had ever been accused of it. In the second place, his deportment and character in common life was free from that vice: he was reserved, distant, stately; cold in his address, plain in his discourse, inflexible in his principles; wide of the caressing, insinuating manners of his son; or the professing, talkative humour of his father. The imputation of insincerity must be grounded on some of his public actions, which we are therefore in the third place to examine. The following are the only instances which I find cited to confirm that accusation. (1) His vouching Buckingham's narrative of the transactions in Spain. But it is evident that Charles himself was deceived: why otherwise did he quarrel with Spain? The following is a passage of a letter from lord Kensington, ambassador in France, to the duke of Buckingham. Cabala, p. 318. 'But his highness (the prince) had observed as great a weakness and folly as that, in that after they (the Spaniards) had used him so ill, they would suffer him to depart, which was one of the first speeches he uttered after he came into the ship: "but did he say so?" said the queen (of France). Yes, madam, I will assure you, quoth I, from the witness of mine own ears. She smiled and replied, "Indeed I heard he was used ill." So he was, answered I, but not in his entertainment; for that was as splendid as that country could afford it; but in their frivolous delays, and in the unreasonable conditions which they propounded and pressed, upon the advantage they had of his princely person.' (2) Bishop Burnet, in his History of the House of Hamilton, p. 154, has preserved a letter of the king's to the Scottish bishops, in which he desires them not to be present at the parliament, where they would be forced to ratify the abolition of their own order: 'For,' adds the king, 'we do hereby assure you, that it shall be still one of our chiefest studies how to rectify and establish the government of that church aright, and to repair your losses, which we desire you to be most confident of.' And in another place, 'You may rest secure, that though perhaps we may give way for the present to that which will be prejudicial both to the church and our own government; yet we shall not leave thinking in time how to remedy both.' But does the king say, that he will arbitrarily revoke his concessions? Does not candour require us rather to suppose, that he hoped his authority would so far recover as to enable him to obtain the national consent to re-establish episcopacy, which he believed so material a part of religion as well as of government? It is not easy indeed to think how he could hope to effect this purpose in any other way than his father had taken, that is, by consent of parliament. (3) There is a passage in lord Clarendon, where it is said, that the king assented the more easily to the bill, which excluded the bishops from the house of peers; because he thought, that that law, being enacted by force, could not be valid. But the king certainly reasoned right in that conclusion. Three fourths of the temporal peers were at that time banished by the violence of the populace: twelve bishops were unjustly thrown into the tower by the commons: great numbers of the commons themselves were kept away by fear or violence: the king himself was chased from London. If all this be not force, there is no such thing. But this scruple of the king's affects only the bishops' bill, and that against pressing. The other constitutional laws had passed without the least appearance of violence, as did indeed all the bills passed during the first year, except Strafford's attainder, which could not be recalled. The parliament, therefore, even if they had known the king's sentiments in this particular, could not, on that account, have had any just foundation of jealousy. (4) The king's letter, intercepted at Naseby, has been the source of much clamour. We have spoken of it already in chap. lviii. Nothing is more usual in all public transactions than such distinctions. After the death of Charles II, of Spain, king William's ambassadors gave the duke of Anjou the title of king of Spain: yet at that very time king William was secretly forming alliances to dethrone him: and soon after he refused him that title, and insisted (as he had reason) that he had not acknowledged his right. Yet king William justly passes for a very sincere prince; and this transaction is not regarded as any objection to his character in that particular. In all the negociations at the peace of Ryswic, the French ambassadors always addressed king William as king of England; yet it was made an express article of the treaty, that the French king should acknowledge him as such. Such a

palpable difference is there between giving a title to a prince, and positively recognising his right to it. I may add, that Charles, when he inserted that protestation in the council books before his council, surely thought he had reason to justify his conduct. There were too many men of honour in that company to avow a palpable cheat. To which we may subjoin, that, if men were as much disposed to judge of this prince's actions with candour as severity, this precaution of entering a protest in his council books might rather pass for a proof of scrupulous honour; lest he should afterwards be reproached with breach of his word, when he should think proper again to declare the assembly at Westminster no parliament. (5) The denying of his commission to Glamorgan is another instance which has been cited. This matter has been already treated in a note to chap. lviii. That transaction was entirely innocent. Even if the king had given a commission to Glamorgan to conclude that treaty, and had ratified it, will any reasonable man in our age think it strange, that, in order to save his own life, his crown, his family, his friends, and his party, he should make a treaty with papists, and grant them very large concessions for their religion? (6) There is another of the king's intercepted letters to the queen commonly mentioned; where it is pretended, he talked of raising and then destroying Cromwell: but that story stands on no manner of foundation, as we have observed in a preceding note to this chapter. In a word, the parliament, after the commencement of their violences, and still more, after beginning the civil war, had reason for their scruples and jealousies, founded on the very nature of their situation, and on the general propensity of the human mind; not on any fault of the king's character; who was candid, sincere, upright, as much as any man whom we meet with in history. Perhaps, it would be difficult to find another character so unexceptionable in this particular.

As to the other circumstances of Charles's character, chiefly exclaimed against, namely his arbitrary principles in government, one may venture to assert, that the greatest enemies of this prince will not find, in the long line of his predecessors, from the conquest to his time, any one king, except perhaps his father, whose administration was not more arbitrary and less legal, or whose conduct could have been recommended to him by the popular party themselves, as a model, in this particular, for his government. Nor is it sufficient to say, that example and precedent can never authorise vices: examples and precedents, uniform and ancient, can surely fix the nature of any constitution, and the limits of any form of government. There is indeed no other principle by which those land marks or boundaries can be settled.

What a paradox in human affairs, that Henry VIII should have been almost adored in his lifetime, and his memory be respected: while Charles I should, by the same people, at no greater distance than a century, have been led to a public and ignominious execution, and his name be ever after pursued by falsehood and by obloquy! Even at present, an historian who, prompted by his courageous generosity, should venture, though from the most authentic and undisputed facts, to vindicate the fame of that prince, would be sure to meet with such treatment, as would discourage even the boldest from so dangerous, however splendid an enterprise.

[b] Walker's History of Independency, part 2.

[c] The court of king's bench was called the court of public bench. So cautious on this head were some of the republicans, that, it is pretended, in reciting the Lord's prayer, they would not say 'thy kingdom come,' but always 'thy commonwealth come.'

[d] See, on the one hand, Toland's Amyntor; and, on the other, Wagstaffe's Vindication of the royal Martyr, with Young's addition. We may remark that lord Clarendon's total silence with regard to this subject, in so full a history, composed in vindication of the king's measures and character, forms a presumption on Toland's side, and a presumption of which that author was ignorant, the works of the noble historian not being then published. Bishop Burnet's testimony too must be allowed of some weight against the Icon.

[e] Their names were, the earls of Denbigh, Mulgrave, Pembroke, Salisbury, lords Grey and Fairfax, Lisle, Rolls, St. John, Wilde, Bradshaw, Cromwell, Skippon, Pickering, Massam, Haselrig, Harrington, Vane jun. Danvers, Armine, Mildmay, Constable, Pennington, Wilson, Whitlocke, Martin, Ludlow, Stapleton, Hevingham, Wallop, Hutchinson, Bond, Popham, Valentine, Walton, Scot, Purefoy, Jones.

[f] 1643. [g] 1646. [h] Whitlocke.

[i] The following instance of extravagance is given by Walker, in his History of Independency, part 2, p. 152. About this time there

came six soldiers into the parish church of Walton upon Thames, near twilight: Mr. Faucet, the preacher there, not having till then ended his sermon. One of the soldiers had a lantern in his hand, and a candle burning in it, and in the other hand four candles not lighted. He desired the parishioners to stay a while, saying he had a message from God unto them, and thereupon offered to go into the pulpit. But the people refusing to give him leave so to do, or to stay in the church, he went into the churchyard, and there told them that he had a vision, wherein he had received a command from God to deliver his will unto them, which he was to deliver, and they to receive upon pain of damnation; consisting of five lights. (1) 'That the sabbath was abolished as unnecessary, Jewish, and merely ceremonial. And here (quoth he) I should put out the first light, but the wind is so high I cannot kindle it. (2) That tithes are abolished as Jewish and ceremonial, a great burden to the saints of God, and a discouragement of industry and tillage. And here I should put out my second light, &c. (3) That ministers are abolished as antichristian, and of no longer use, now Christ himself descends into the hearts of his saints, and his spirit enlighteneth them with revelations and inspirations. And here I should put out my third light, &c. (4) Magistrates are abolished as useless, now that Christ himself is in purity amongst us, and hath erected the kingdom of the saints upon earth. Besides, they are tyrants and oppressors of the liberty of the saints, and tie them to laws and ordinances, mere human inventions. And here I should put out my fourth light, &c. (5) Then putting his hand into his pocket, and pulling out a little bible, he shewed it open to the people, saying, here is a book you have in great veneration, consisting of two parts, the old and new testament: I must tell you it is abolished; it containeth beggarly rudiments, milk for babes: but now Christ is in glory amongst us, and imparts a farther measure of his spirit to his saints than this can afford. I am commanded to burn it before your face. Then putting out the candle he said, and here my fifth light is extinguished.' *It* became a pretty common doctrine at that time, that it was unworthy of a christian man to pay rent to his fellow-creatures; and landlords were obliged to use all the penalties of law against their tenants, whose conscience was scrupulous.

[k] History of Independency, part 2. [l] Parl. History, vol. xix. p. 136, 176. [m] Ibid. p. 165. [n] Burnet, Clarendon. [o] Sir Edward Walker's Historical Discourses, p. 159. [p] Ibid. p. 160. [q] Ibid. p. 166, 167. [r] Ibid. p. 170. [s] Ibid. p. 178. [t] Whitlocke, p. 404, 408. [u] Ibid. p. 396, 418. [v] Sir Edward Walker, p. 165. [x] Ibid. p. 168. [y] Whitlocke, p. 443. [z] Sir Edw. Walker.

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[a] This is the best of Cromwell's wretched compositions that remains, and we shall here extract a passage out of it. 'You say you have not so learned Christ as to hang the equity of our cause upon events. We could wish that blindness had not been upon your eyes to all those marvellous dispensations which God had wrought lately in England. But did not you solemnly appeal and pray? Did not we do so too? And ought not we and you to think, with fear and trembling, of the hand of the great God in this mighty and strange appearance of his, but can slightly call it an event? Were not both your and our expectations renewed from time to time, while we waited on God, to see which way he would manifest himself upon our appeals? And shall we, after all these our prayers, fastings, tears, expectations, and solemn appeals, call these mere events? The Lord pity you. Surely we fear, because it has been a merciful and a gracious deliverance to us.

'I beseech you, in the bowels of Christ, search after the mind of the Lord in it towards you, and we shall help you by our prayers that you may find it: for yet, if we know our heart at all, our bowels do in Christ yearn after the godly in Scotland.' Thurloe, vol. i. p. 158.

[b] Heathe's Chronicle, p. 301. [c] Parl. Hist. vol. xx. p. 47. [d] Whitlocke, p. 523. [e] Scobel, p. 121. A bill was introduced into the house against painting, patches, and other immodest dress of women; but it did not pass. Parl. Hist. vol. xix. p. 263.

[f] Dr. John Walker's Attempt, p. 147, & seq.

[g] When the earl of Derby was alive, he had been summoned by Ireton to surrender the isle of Man; and he returned this spirited and memorable answer: 'I received your letter with indignation, and with scorn return you this answer; that I cannot but wonder whence you should gather any hopes, that I should prove like you, treacherous to my sovereign; since you cannot be ignorant of my former actions in his late majesty's service, from which principles of loyalty I am no whit departed. I scorn your proffers; I disdain your favour; I abhor your

treason; and am so far from delivering up this island to your advantage, that I shall keep it to the utmost of my power to your destruction. Take this for your final answer, and forbear any farther solicitations; for, if you trouble me with any more messages of this nature, I will burn the paper and hang up the bearer. This is the immutable resolution, and shall be the undoubted practice, of him who accounts it his chiefest glory to be his majesty's most loyal and obedient subject. DERBY.'

[b] Whitlocke, p. 496. Heathe's Chron. p. 307.

[i] It had been a usual policy of the presbyterian ecclesiastics to settle a chaplain in the great families, who acted as a spy upon his master, and gave them intelligence of the most private transactions and discourses of the family. A signal instance of priestly tyranny, and the subjection of the nobility! They even obliged the servants to give intelligence against their masters. Whitlocke, p. 502. The same author, p. 512, tells the following story. The synod meeting at Perth, and citing the ministers and people, who had expressed a dislike of 'their heavenly government,' the men being out of the way, their wives resolved to answer for them; and, on the day of appearance, one hundred and twenty women, with good clubs in their hands, came and besieged the church, where the reverend ministers sat. They sent one of their number to treat with the females, and he threatening excommunication, they basted him for his labour, kept him prisoner, and sent a party of sixty, who routed the rest of the clergy, bruised their bodies sorely, took all their baggage and twelve horses. One of the ministers, after a mile's running, taking all creatures for his foes, meeting with a soldier, fell on his knees, who knowing nothing of the matter, asked the blackcoat what he meant? The female conquerors, having laid hold on the synod clerk, beat him till he forswore his office. Thirteen ministers rallied about four miles from the place, and voted that this village should never more have a synod in it, but be accursed; and that though in the years 1638 and 39 the godly women were cried up for stoning the bishops, yet now the whole sex should be esteemed wicked.

[k] 1647. [l] On October 17, 1650.

[m] Thurloe, vol. i. p. 182.

[n] We are told, in the life of sir Henry Vane, that that famous republican opposed the Dutch war, and that it was the military gentlemen chiefly who supported that measure.

[o] Conference held at Whitehall. [p] See Milton's State Papers. [q] Parl. Hist. vol. xx. p. 182.

[r] These are his expressions. 'Indeed I have but one word more to say to you, though in that perhaps I shall shew my weakness: it is by way of encouragement to you in this work: give me leave to begin thus: I confess I never looked to have seen such a day as this, it may be nor you neither, when Jesus Christ should be so owned as he is at this day and in this work. Jesus Christ is owned this day by your call, and you own him by your willingness to appear for him, and you manifest this (as far as poor creatures can do) to be a day of the power of Christ. I know you will remember that scripture, "he makes his people willing in the day of his power." God manifests it to be the day of the power of Christ, having through so much blood and so much trial as has been upon this nation, he makes this one of the greatest mercies, next to his own Son, to have his people called to the supreme authority. God hath owned his Son, and hath owned you, and hath made you to own him. I confess I never looked to have seen such a day; I did not.' I suppose at this passage he cried; for he was very much given to weeping, and could at any time shed abundance of tears. The rest of the speech may be seen among Milton's State Papers, p. 106. It is very curious, and full of the same obscurity, confusion, embarrassment, and absurdity, which appear in almost all Oliver's productions.

[s] Whitlocke, p. 543, 548. [t] Conference held at Whitehall.

[u] It was usual for the pretended saints at that time to change their names from Henry, Edward, Anthony, William, which they regarded as heathenish, into others more sanctified and godly: even the New Testament names, James, Andrew, John, Peter, were not held in such regard as those which were borrowed from the Old Testament, Hezekiah, Habakkuk, Joshua, Zerubbabel. Sometimes a whole godly sentence was adopted as a name. Here are the names of a jury, said to be enclosed in the county of Sussex about that time.

Accepted, Trevor of Norsham.
Redeemed, Compton of Battle.
Faint not, Hewit of Heathfield.
Make Peace, Heaton of Hare.
God Reward, Smart of Fivehurst.

Standfast on High, Stringer of Crowhurst.
Earth, Adams of Warbleton.
Called, Lower of the same.
Kill Sin, Pimple of Witham.
Return, Spelman of Watling.
Be Faithful, Joiner of Britling.
Fly Debate, Roberts of the same.
Fight the good Fight of Faith, White of Emer.
More Fruit, Fowler of East Hadley.
Hope for, Bending of the same.
Graceful, Harding of Lewes.
Weep not, Billing of the same.
Meek, Brewer of Okeham.

See Broome's Travels in England, p. 279. 'Cromwell,' says Cleveland, 'hath beat up his drums clean through the Old Testament. You may learn the genealogy of our Saviour by the names of his regiment. The muster-master has no other list than the first chapter of St. Matthew.' The brother of this Praise-God Barebone had for name, 'If Christ had not died for you, you had been damned, Barebone.' But the people, tired of this long name, retained only the last word, and commonly gave him the appellation of Damn'd Barebone.

[v] Thurloe, vol. i. p. 273, 591. Also Stubbe, p. 91, 92. [x] Thurloe, vol. i. p. 393. [y] Ibid. vol. ii. p. 429. [z] Ibid. vol. i. p. 616.

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[a] Thurloe, vol. ii. p. 588. [b] Ibid. p. 620.
[c] Parl. Hist. vol. xx. p. 433. [d] In 1648.
[e] This prince, during the civil wars, had much neglected his uncle, and paid court to the parliament: he accepted of a pension of eight thousand pounds a year from them, and took a place in their assembly of divines.

[f] Thurloe, vol. iii. p. 103, 619, 653. In the treaty, which was signed after long negociation, the protector's name was inserted before the French king's in that copy which remained in England. Thurloe, vol. vi. p. 116. See farther vol. vii. p. 178.

[g] See the account of the negociations with France and Spain by Thurloe, vol. i. p. 759.

[h] He proposed to Sweden a general league and confederacy of all the protestants. Whitlocke, p. 620. Thurloe, vol. vii. p. 1. In order to judge of the maxims by which he conducted his foreign politics, see farther Thurloe, vol. iv. p. 295, 343, 443. vol. vii. p. 174.

[i] Thurloe, vol. i. p. 759. [k] Ibid. [l] Ibid.
[m] Ibid. Don Alonzo said that the Indian trade and the inquisition were his master's two eyes; and the protector insisted upon the putting out both of them at once.

[n] Carrington, p. 191. [o] Bates. [p] Clarendon. [q] Vita D. Berwici, p. 124. [r] Burchet's Naval History. See also Carte's Collection, vol. ii. p. 46, 47. Thurloe, vol. iii. p. 505.

[s] Ibid. vol. iv. p. 135. World's Mistake in Oliver Cromwell, in the Harl. Miscel. vol. i.

[t] Thurloe, vol. iv. p. 570, 589. [u] Ibid. vol. v. p. 433. [w] 20th of April, 1657.

[x] Clarendon, Life of Dr. Berwick, &c.

[y] Cromwell followed, though but in part, the advice which he received from general Harrison at the time when the intimacy and endearment most strongly subsisted betwixt them. 'Let the waiting upon Jehovah,' said that military saint, 'be the greatest and most considerable business you have every day: reckon it so more than to eat, sleep, and council, together. Run aside sometimes from your company, and get a word with the Lord. Why should not you have three or four precious souls always standing at your elbow, with whom you might now and then turn into a corner? I have found refreshment and mercy in such a way.' Milton's State Papers, p. 12.

[z] About this time an accident had almost robbed the protector of his life, and saved his enemies the trouble of all their machinations. Having got six fine Friesland coach-horses as a present from the count of Oldenburgh, he undertook for his amusement to drive them about Hyde-park; his secretary, Thurloe, being in the coach. The horses were startled and ran away: he was unable to command them or keep the box. He fell upon the pole, was dragged upon the ground for some time; a pistol, which he carried in his pocket, went off; and by that singular good fortune, which ever attended him, he was taken up without any considerable hurt or bruise.

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[a] Whitlocke, p. 647. [b] Bates. [c] Trial of the Regicides. [d] Bates. [e] Whitlocke, p. 570. [f] Thurloe, vol. iv. p. 57. [g] Ibid. vol. vi. p. 557.

[h] We shall produce any passage at random; for his discourse is all of a piece. 'I confess, for it behoves me to deal plainly with you, I must confess, I would say, I hope I may be understood in this, for indeed I must be tender what I say to such an audience as this; I say I would be understood that in this argument I do not make parallel betwixt men of a different

mind and a parliament which shall have their desires. I know there is no comparison, nor can it be urged upon me that my words have the least colour that way, because the parliament seems to give liberty to me to say any thing to you; as that, that is a tender of my humble reasons and judgment and opinion to them; and, if I think they are such, and will be such to them, and are faithful servants, and will be so to the supreme authority, and the legislative wheresoever it is: if, I say, I should not tell you, knowing their minds to be so, I should not be faithful, if I should not tell you so, to the end you may report it to the parliament. I shall say something for myself, for my own mind, I do profess it, I am not a man scrupulous about words or names of such things I have not: but, as I have the word of God, and I hope I shall ever have it, for the rule of my conscience, for my informations, so truly men that have been led in dark paths, through the providence and dispensation of God; why surely it is not to be objected to a man; for who can love to walk in the dark? But Providence does so dispose. And, though a man may impute his own folly and blindness to Providence sinfully, yet it must be at my peril; the case may be that it is the providence of God that doth lead men in darkness; I must need say that I have had a great deal of experience of Providence; and, though it is no rule without or against the word, yet it is a very good expositor of the word in many cases.' Conference at Whitehall. The great defect in Oliver's speeches consists not in his want of elocution, but in his want of ideas. The sagacity of his actions, and the absurdity of his discourse, form the most prodigious contrast that ever was known. The collection of all his speeches, letters, sermons (for he also wrote sermons), would make a great curiosity, and, with a few exceptions, might justly pass for one of the most nonsensical books in the world.

[i] Thurloe, vol. vi. p. 261.

[k] He aspired to get possession of Elsinore and the passage of the Sound. See World's Mistake in Oliver Cromwell. He also endeavoured to get possession of Bremen. Thurloe, vol. vi. p. 478.

[l] It was remarked, by the saints of that time, that the battle was fought on a day which was held for a fast in London; 'so that,' as Fleetwood said (Thurloe, vol. vii. p. 159), 'while we were praying they were fighting, and the Lord hath given a signal answer. The Lord has not only owned us in our work there, but in our waiting upon him in a way of prayer, which is indeed our old experienced approved way in all streights and difficulties.' Cromwell's letter to Blake and Montague, his brave admirals, is remarkable for the same spirit. Thurloe, vol. iv. p. 744. 'You have,' says he, 'as I verily believe and am persuaded, a plentiful stock of prayers going for you daily, sent up by the soberest and most approved ministers and Christians in this nation; and, notwithstanding some discouragements, very much wrestling of faith for you, which are to us, and I trust will be to you, matter of great encouragement. But, notwithstanding all this, it will be good for you and us to deliver up ourselves and all our affairs to the disposition of our all-wise Father, who, not only out of prerogative, but because of his goodness, wisdom, and truth, ought to be resigned unto by his creatures, especially those who are children of his begetting through the Spirit,' &c.

[m] Thurloe, vol. i. p. 762. [n] Ibid. vol. vii. p. 151, 158.

[o] In reality the cardinal had not entertained so high an idea of Cromwell. He used to say that he was a fortunate madman. Vie de Cromwell par Raguenet. See also Carte's Collection, vol. ii. p. 81. Gumble's Life of Monk, p. 93. World's Mistake in O. Cromwell.

[p] Thurloe, vol. vi. p. 53. [q] Bates. See also Thurloe, vol. vii. p. 355, 416. [r] Cowley's Discourses: this passage is altered in some particulars from the original. [s] Ludlow.

[t] Carte's Collections, vol. ii. p. 243. [u] Ludlow. [w] K. James's Memoirs. [x] Gumble's Life of Monk, p. 93. [y] Lord Lansdown's Defence of general Monk. [z] Clarendon.

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[a] After Monk's declaration for a free parliament on the eleventh of February, he could mean nothing but the king's restoration: yet it was long before he would open himself even to the king. This declaration was within eight days after his arrival in London. Had he ever intended to have set up for himself, he would not surely have so soon abandoned a project so inviting: he would have taken some steps which would have betrayed it. It could only have been some disappointment, some frustrated attempt, which could have made him renounce the road of private ambition. But there is not the least symptom of such inten-

tions. The story told of sir Anthony Ashley Cooper, by Mr. Locke, has not any appearance of truth. See Lord Lansdown's Vindication, and Philips's Continuation of Baker. I shall add to what those authors have advanced, that cardinal Mazarine wished for the king's restoration; though he would not have ventured much to have procured it.

[b] Lansdown. Clarendon. [c] Burnet. [d] Sir Philip Warwick. [e] Killing no Murder.

[f] The following story is told by Whitlocke, p. 599. Some quakers at Hasington in Northumberland coming to the minister on the Sabbath-day, and speaking to him, the people fell upon the quakers, and almost killed one or two of them, who going out fell on their knees, and prayed God to pardon the people, who knew not what they did; and afterwards, speaking to the people, so convinced them of the evil they had done in beating them, that the country people fell a quarrelling, and beat one another more than they had before beaten the quakers.

[g] Whitlocke, p. 624.

[h] Harleian Miscellany, vol. vi. p. 399. One Dorcas Earberry made oath before a magistrate that she had been dead two days, and that Naylor had brought her to life.

[i] Id. ibid. [k] Thurloe, vol. v. p. 708. [l] Scobel, p. 419. [m] Thurloe, vol. ii. p. 476. [n] Scobel, p. 376. [o] Thurloe, vol. vi. p. 425.

[p] It appears that the late king's revenue, from 1637 to the meeting of the long parliament, was only nine hundred thousand pounds, of which two hundred thousand may be esteemed illegal.

[q] Dr. Walker, p. 14. [r] Thurloe, vol. i. p. 753. [s] Ibid. vol. ii. p. 414. [t] Ibid. vol. vii. p. 667. [u] World's Mistake in Oliver Cromwell. [w] Whitlocke, p. 298. [x] Ibid. p. 378. [y] Journ. 2d December, 1652. [z] Id. ibid.

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[a] Journal, 6th of April, 1659. [b] Thurloe, vol. i. p. 395. vol. ii. p. 414. [c] Gumble's Life of Monk. [d] Whitlocke, p. 477. [e] Journ. 7th April, 1659. [f] Strafford's Letters, vol. i. p. 421, 423, 430, 467. [g] Clarendon. [h] Lewis Robert's Treasure of Traffic. [i] Happy future State of England. [k] Anderson, vol. ii. p. 111. [l] Id. ibid. [m] British Empire in America, vol. i. p. 372. [n] Burnet. [o] Neale's History of the Puritans, vol. iv. p. 123. [p] P. 639. [q] Parl. Hist. vol. xix. p. 83. [r] P. 633. [s] Journ. vol. viii. p. 24.

[t] King James's Memoirs. This prince says that Venner's insurrection furnished a reason or pretence for keeping up the guards, which were intended at first to have been disbanded with the rest of the army.

[u] King James's Memoirs. [w] Parl. Hist. vol. xxiii. p. 173. [x] Carte's Answer to the Bystander, p. 79. [y] D'Estrades, 25th of July, 1661. Mr. Ralph's History, vol. i. p. 176.

[z] Carte's Ormond, vol. ii. p. 254. This account seems better supported than that in Ablancourt's Memoirs, that the chancellor chiefly pushed the Portuguese alliance. The secret transactions of the court of England could not be supposed to be much known to a French resident at Lisbon: and, whatever opposition the chancellor might make, he would certainly endeavour to conceal it from the queen and all her family, and even in the parliament and council would support the resolution already taken. Clarendon himself says, in his Memoirs, that he never either opposed or promoted the Portuguese match.

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[a] Lord Lansdown's Defence of general Monk. Temple, vol. ii. p. 154. [b] D'Estrades, 17th of August, 1662. There was above half of five hundred thousand pounds really paid as the queen's portion. [c] D'Estrades, 21st of August, 12th of September, 1662.

[d] It appears, however, from many of D'Estrades's letters, particularly that of the 21st of August, 1661, that the king might have transferred Dunkirk to the parliament, who would not have refused to bear the charges of it, but were unwilling to give money to the king for that purpose. The king, on the other hand, was jealous, lest the parliament should acquire any separate dominion or authority in a branch of administration which seemed so little to belong to them; a proof that the government was not yet settled into that composure and mutual confidence which is absolutely requisite for conducting it.

[e] Id. 3d of October, 1662. The chief importance indeed of Dunkirk to the English was, that it was able to distress their trade when in the hands of the French; but it was Lewis the XIVth who first made it a good seaport. If ever England have occasion to transport ar-

mies to the continent, it must be in support of some ally whose towns serve to the same purpose as Dunkirk would if in the hands of the English.

[f] Kennet's Register, p. 850.

[g] The author confesses that the king's zeal for popery was apt, at intervals, to go farther than is here supposed, as appears from many passages in James the second's Memoirs.

[h] Temple, vol. ii. p. 42.

[i] King James, in his Memoirs, gives an account of this affair different from what we meet with in any historian. He says that, while he was asleep, Brounker brought orders to sir John Harman, captain of the ship, to slacken sail. Sir John remonstrated, but obeyed. After some time, finding that his falling back was likely to produce confusion in the fleet, he hoisted the sail as before: so that the prince, coming soon after on the quarter deck, and finding all things as he left them, knew nothing of what had passed during his repose. No body gave him the least intimation of it. It was long after that he heard of it by a kind of accident; and he intended to have punished Brounker by martial law; but just about that time the house of commons took up the question, and impeached him, which made it impossible for the duke to punish him otherwise than by dismissing him his service. Brounker before the house never pretended that he had received any orders from the duke.

[k] D'Estrades, 19th Dec. 1664. [l] Ibid. 14th August, 1665. [m] Tromp's life. D'Estrades, 5th of February, 1665. [n] Ibid. 21st of May, 1666.

[o] The Dutch had spent on the war near forty millions of livres a year, above three millions sterling; a much greater sum than had been granted by the English parliament. D'Estrades, 24th of December, 1665; 1st of January, 1666. Temple, vol. i. p. 71. It was probably the want of money which engaged the king to pay the seamen with tickets; a contrivance which proved so much to their loss.

[p] Temple, vol. ii. p. 41.

[q] Some nonconformists, however, both in Scotland and England, had kept a correspondence with the states, and had entertained projects for insurrections; but they were too weak even to attempt the execution of them. D'Estrades, 13th October, 1665.

[r] The articles were, that he had advised the king to govern by military power without parliaments, that he had affirmed the king to be a papist or popishly affected, that he had received great sums of money for procuring the Canary patent and other illegal patents, that he had advised and procured divers of his majesty's subjects to be imprisoned against law, in remote islands and garrisons, thereby to prevent their having the benefit of the law, that he had procured the customs to be farmed at under rates, that he had received great sums from the Vintners' company, for allowing them to inhance the price of wines, that he had in a short time gained a greater estate than could have been supposed to arise from the profits of his offices, that he had introduced an arbitrary government into his majesty's plantations, that he had rejected a proposal for the preservation of Nevis and St. Christopher's, which was the occasion of great losses in those parts, that when he was in his majesty's service beyond sea, he held a correspondence with Cromwell and his accomplices, that he advised the sale of Dunkirk, that he had unduly altered letters patent under the king's seal, that he had unduly decided causes in council, which should have been brought before chancery, that he had issued quo warrantos against corporations with an intention of squeezing money from them, that he had taken money for passing the bill of settlement in Ireland, that he betrayed the nation in all foreign treaties, and that he was the principal adviser of dividing the fleet in June, 1666.

[s] Burnet, p. 149. [t] Ibid. p. 152. [u] Id. p. 147. [x] Id. p. 201. [y] Id. p. 202. [z] 1644.

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[a] Burnet, p. 213. [b] 28th November, 1666. [c] Wodrow's History, vol. i. p. 255. [d] In 1666.

[e] The abstract of the Report of the Brookhouse committee (so that committee was called) was first published by Mr. Ralph, vol. i. p. 177, from lord Hallifax's collections, to which I refer. If we peruse their apology, which we find in the subsequent page of the same author, we shall find that they acted with some malignity towards the king. They would take notice of no services performed before the 1st of September, 1664. But all the king's preparations preceded that date, and, as chancellor Clarendon told the parliament, amounted to eight hundred thousand pounds; and the computation is very probable. This sum, therefore, must be added. The committee likewise charged seven hundred thousand pounds to the king on account of the

winter and summer guards, saved during two years and ten months that the war lasted. But this seems iniquitous. For though that was an usual burden on the revenue, which was then saved; would not the diminution of the customs, during the war, be an equivalent to it? Besides, near three hundred and forty thousand pounds are charged for prize money, which perhaps the king thought he ought not to account for. These sums exceed the million and a half.

[e] Mr. Carte, in his Vindication of the Answer to the Bystander, p. 99, says that the sale of the fee-farm rents would not yield above one hundred thousand pounds; and his reasons appear well founded.

[f] D'Estrades, 21st July, 1667.

[g] Gourville has said, in his Memoirs, vol. ii. p. 14, 67, that Charles was never sincere in the triple alliance; and that, having entertained a violent animosity against De Wit, he endeavoured by this artifice to detach him from the French alliance, with a view of afterwards finding an opportunity to satiate his vengeance upon him. This account, though very little honourable to the king's memory, seems probable from the events, as well as from the authority of the author.

[h] Temple, vol. ii. p. 179.

[i] This year, on the 3d of January, died George Monk, duke of Albemarle, at Newhall in Essex, after a languishing illness, and in the sixty-third year of his age. He left a great estate of fifteen thousand pounds a year in land, and sixty thousand pounds in money, acquired by the bounty of the king, and increased by his own frugality in his later years. Bishop Burnet, who, agreeably to his own factious spirit, treats this illustrious personage with great malignity, reproaches him with avarice: but, as he appears not to have been in the least tainted with rapacity, his frugal conduct may more candidly be imputed to the habits acquired in early life, while he was possessed of a very narrow fortune. It is indeed a singular proof of the strange power of faction, that any malignity should pursue the memory of a nobleman, the tenor of whose life was so unexceptionable, and who, by restoring the ancient and legal and free government to three kingdoms, plunged in the most destructive anarchy, may safely be said to be the subject in these islands who, since the beginning of time, rendered the most durable and most essential services to his native country. The means also, by which he achieved his great undertakings, were almost entirely unexceptionable. His temporary dissimulation, being absolutely necessary, could scarcely be blameable. He had received no trust from that mongrel, pretended, usurping parliament whom he dethroned; therefore could betray none: he even refused to carry his dissimulation so far as to take the oath of abjuration against the king. I confess, however, that the Rev. Dr. Douglas has shewn me, from the Clarendon papers, an original letter of his to sir Arthur Hazlerig, containing very earnest, and certainly false, protestations of his zeal for a commonwealth. It is to be lamented that so worthy a man, and of such plain manners, should ever have found it necessary to carry his dissimulation to such a height. His family ended with his son.

[k] Carte's Ormond, vol. ii. p. 225.

[l] England's Appeal, p. 22. This year, on the 12th of November, died, in his retreat, and in the sixtieth year of his age, Thomas lord Fairfax, who performed many great actions without being a memorable personage, and allowed himself to be carried into many criminal enterprises with the best and most upright intentions. His daughter and heir was married to George Villiers, duke of Buckingham.

[m] Temple, vol. i. p. 75.

[n] Which may be thus translated:

The man, whose mind, on virtue bent,
Pursues some greatly good intent
With undiverted aim,
Serene beholds the angry crowd;
Nor can their clamours, fierce and loud,
His stubborn honour tame.

Not the proud tyrant's fiercest threat,
Nor storms, that from their dark retreat
The lawless surges wake;
Not Jove's dread bolt, that shakes the pole,
The firmer purpose of his soul
With all its power can shake.

Should Nature's frame in ruins fall,
And chaos o'er the sinking ball
Resume primeval sway,
His courage chance and fate defies,
Nor feels the wreck of earth and skies
Obstruct its destin'd way.

BLACKLOCK.

NOTES

TO

THE FIFTH VOLUME.

Page 6.

'Since the publication of this History the Author has had occasion to see the most direct and positive evidence of this conspiracy. From the humanity and candour of the Principal of the Scotch College at Paris he was admitted to peruse James the Second's Memoirs, kept there. They amount to several volumes of small folio, all written with that prince's own hand, and comprehending the remarkable incidents of his life, from his early youth till near the time of his death. His account of the French alliance is as follows: the intention of the king and duke was chiefly to change the religion of England, which they deemed an easy undertaking, because of the great propensity, as they imagined, of the cavaliers and church party to popery: the treaty with Lewis was concluded at Versailles in the end of 1669, or beginning of 1670, by lord Arundel of Wardour, whom no historian mentions as having had any hand in these transactions. The purport of it was, that Lewis was to give Charles two hundred thousand pounds a year in quarterly payments, in order to enable him to settle the catholic religion in England; and he was also to supply him with an army of six thousand men in case of any insurrection. When that work was finished England was to join with France in making war upon Holland. In case of success Lewis was to have the inland provinces, the prince of Orange Holland in sovereignty, and Charles, Sluice, the Brille, Walkeren, with the rest of the seaports as far as Mazeland Sluice. The king's project was first to effect the change of religion in England; but the duchess of Orleans, in the interview at Dover, persuaded him to begin with the Dutch war, contrary to the remonstrances of the duke of York, who insisted that Lewis, after serving his own purposes, would no longer trouble himself about England. The duke makes no mention of any design to render the king absolute; but that was, no doubt, implied in the other project, which was to be effected entirely by royal authority. The king was so zealous a papist, that he wept for joy when he saw the prospect of re-uniting his kingdom to the catholic church.

Sir John Dalrymple has since published some other curious particulars with regard to this treaty. We find that it was concerted and signed with the privity alone of four popish counsellors of the king's, Arlington, Arundel, Clifford, and sir Richard Bealing. The secret was kept from Buckingham, Ashley, and Lauderdale. In order to engage them to take part in it, a very refined and a very mean artifice was fallen upon by the king. After the secret conclusion and signature of the treaty, the king pretended to these three ministers that he wished to have a treaty and alliance with France for mutual support, and for a Dutch war; and, when various pretended obstacles and difficulties were surmounted, a sham treaty was concluded with their consent and approbation, containing every article of the former real treaty, except that of the king's change of religion. However, there was virtually involved even in this treaty the assuming of absolute government in England; for the support of French troops, and a war with Holland, so contrary to the interests and inclinations of his people, could mean nothing else. One cannot sufficiently admire the absolute want of common sense which appears throughout the whole of this criminal transaction. For, if popery was so much the object of national horror, that even the king's three ministers, Buckingham, *Ashley*, and Lauderdale, and such profligate ones too, either would not or durst not receive it, what hopes could he entertain of forcing the nation into that communion? Considering the state of the kingdom, full of veteran and zealous soldiers, bred during the civil wars, it is probable that he had not kept the crown two months after a declaration so wild and extravagant. This was probably the reason why the king of France and

the French ministers always dissuaded him from taking off the mask till the successes of the Dutch war should render that measure prudent and practicable.

[b] Duke of Buckingham's character of king Charles II.

[c] This year, on the 25th of March, died Henry Cromwell, second son of the protector, in the forty-seventh year of his age. He had lived unmolested in a private station ever since the king's restoration, which he rather favoured than opposed.

[d] Several historians have affirmed, that the commons found, this session, upon inquiry, that the king's revenue was one million six hundred thousand pounds a year, and that the necessary expence was but seven hundred thousand pounds: and have appealed to the Journals for a proof. But there is not the least appearance of this in the Journals: and the fact is impossible.

[e] Welwood, Burnet, Coke. [f] Temple's Memoirs, vol. i. p. 458.

[g] Such as the letters which passed betwixt Danby and Montague, the king's ambassador at Paris; Temple's Memoirs, and his Letters. In these last we see that the king never made any proposals of terms but what were advantageous to France, and the prince of Orange believed them to have always been concerted with the French ambassador. Vol. i. p. 439.

In sir John Dalrymple's Appendix, p. 103, it appears that the king had signed himself, without the participation of his ministers, a secret treaty with France, and had obtained a pension on the promise of his neutrality: a fact which renders his royal word, solemnly given to his subjects, one of the most dishonourable and most scandalous acts that ever proceeded from a throne.

[h] Sir John Dalrymple's Appendix, p. 112.

[i] Temple, vol. i. p. 461.

[k] To wit, three thousand men for Scotland, and the usual guards and garrisons in England, amounting to near five thousand men. Sir J. Dalrymple's App. p. 161.

[l] Sir John Dalrymple, in his Appendix, has given us, from Barillon's dispatches in the secretary's office at Paris, a more particular detail of these intrigues. They were carried on with lord Russel, lord Hollis, lord Berkshire, the duke of Buckingham, Algernon Sydney, Montague, Bulstrode, col. Titus, sir Edward Harley, sir John Baber, sir Roger Hill, Boscawen, Littleton, Powle, Harbord, Hambden, sir Thomas Armstrong, Hotham, Herbert, and some others of less note. Of these, lord Russel and lord Hollis alone refused to touch any French money; all the others received presents or bribes from Barillon. But we are to remark that the party views of these men, and their well-founded jealousies of the king and duke, engaged them, independently of the money, into the same measures that were suggested to them by the French ambassador. The intrigues of France, therefore, with the parliament were a mighty small engine in the political machine. Those with the king, which have always been known, were of infinitely greater consequence. The sums distributed to all these men, excepting Montague, did not exceed sixteen thousand pounds in three years; and therefore could have little weight in the two houses, especially when opposed to the influence of the crown. Accordingly we find, in all Barillon's dispatches, a great anxiety that the parliament should never be assembled. The conduct of these English patriots was more mean than criminal; and monsieur Courten says that two hundred thousand livres employed by the Spaniards and Germans would have more influence than two millions distributed by France. See sir J. Dalrymple's App. p. 111. It is amusing to observe the general, and I may say national, rage excited by the late discovery of this secret negociation; chiefly on account of Algernon Sydney, whom the blind prejudices of party had exalted into a hero. His ingratitude and breach of faith, in applying for the king's pardon, and immediately on his return entering into cabals for rebellion, form a conduct much more criminal than the taking of French gold; yet the former circumstance was always known, and always disregarded. But every thing connected with France is supposed, in England, to be polluted beyond all possibility of expiation. Even lord Russel, whose conduct in this negociation was only factious, and that in an ordinary degree, is imagined to be dishonoured by the same discovery.

[m] 19th of October, 1669. [n] 28th of July, 1670. [o] In 1675. [p] Burnet. [q] Oates's Narrative. [r] Burnet, Echard, North, L'Estrange, &c. [s] Burnet, North. [t] North. [u] Burnet, North, Trials. [x] North, p. 206. [y] Ibid. p. 205.

[z] They had granted him six hundred thousand pounds for disbanding the army, for reimbursing the charges of his naval armament, and for paying the princess of Orange's portion.

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North, p. 207. [b] North's Examen, p. 186. [c] Burnet, vol. i. p. 437. [d] Appendix to Sir John Dalrymple's Memoirs.

[e] 3d of December. [f] Sir William Scroggs.

[g] In 1566 the speaker said to queen Elizabeth that without her allowance the election of the house was of no significance. D'Ewes's Journal, p. 97. In the parliament 1592, 1593, the speaker, who was sir Edward Coke, advances a like position. D'Ewes, p. 459. Townshend, p. 35. So that this pretension of the commons seems to have been somewhat new, like many other powers and privileges.

[h] Their names were: prince Rupert, the archbishop of Canterbury, lord Finch, chancellor, earl of Shaftesbury, president, earl of Anglesea, privy seal, duke of Albemarle, duke of Monmouth, duke of Newcastle, duke of Lauderdale, duke of Ormond, marquis of Winchester, marquis of Worcester, earl of Arlington, earl of Salisbury, earl of Bridgwater, earl of Sunderland, earl of Essex, earl of Bath, viscount Fauconberg, viscount Halifax, bishop of London, lord Roberts, lord Hollis, lord Russel, lord Cavendish, secretary Coventry, sir Francis North, chief justice, sir Henry Capel, sir John Ernley, sir Thomas Chicheley, sir William Temple, Edward Seymour, Henry Powle.

[i] Wodrow's History of the Sufferings of the Church of Scotland, vol. ii. p. 28. [k] Algernon Sidney's letters, p. 90. [l] Temple, vol. i. p. 335. [m] Ibid. p. 449. [n] Dissertation on Parties, letter vii. [o] Vol. i. p. 342. [p] College's trial. [q] See captain Wilkinson's Narrative. [r] Burnet, vol. i. p. 522.

[s] Burnet, vol. i. p. 583. Wodrow, vol. ii. p. 169. This last author, who is much the better authority, mentions only one instance, that of Spreul, which seems to have been an extraordinary one.

[t] Wodrow, vol. ii. Appendix, 94. [u] Ibid. vol. ii. passim. [x] Ibid. vol. ii. p. 434. [y] Ibid. vol. ii. p. 505.

[z] Lord Grey's Secret History of the Ryehouse Plot. This is the most full and authentic account of all these transactions; but is in the main confirmed by bishop Sprat, and even Burnet, as well as by the trials and dying confessions of the conspirators: so that nothing can be more unaccountable than that any one should pretend that this conspiracy was an imposture like the popish plot. Monmouth's declaration, published in the next reign, confesses a consult for extraordinary remedies.

[a] Page 43.

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[a] In the month of November this year died prince Rupert, in the sixty-third year of his age. He had left his own country so early, that he had become an entire Englishman, and was even suspected in his latter days of a bias to the country party: he was for that reason much neglected at court. The duke of Lauderdale died also this year.

[b] It appears, from sir John Dalrymple's Appendix, that the king received from France a million of livres for his connivance at the seizure of Luxembourg, beside his ordinary pension.

[c] The following passage is an extract from M. Barillon's letters kept in the Depôt des Affaires etrangeres at Versailles. It was lately communicated to the author while in France. Convention verbale arretée le 1 Avril, 1681. Charles 2 s'engage a ne rien omettre pour pouvoir faire connoitre à sa majesté qu'elle avoit raison de prendre confiance en lui; a se degager peu à peu de l'alliance avec l'Espagne, et a se mettre en etat de ne point etre contraint par son parlement de faire quelque chose d'opposé aux nouveaux engagemens qu'il prenoit. En consequence le roi promet un subside de deux millions la premiere des trois années de cet engagement & 500,000 écus les deux autres, se contentant de la parole de sa majesté Britannique, d'agir à l'egard de sa majesté conformement aux obligations qu'il lui avoit. Le Sr. Hyde demanda que le roi s'engagea a ne point attaquer les pays bas & même Strasbourg, temoignant que le roi son maitre ne pourroit s'empecher de secourir les pays bas, quand même son parlement ne seroit point assemblé. M. Barillon lui répondit en termes generaux par ordre du roi, que sa majesté n'avoit point intention de rompre la paix, & qu'il n'engageroit pas sa majesté Britannique en choses contraires à ses veritables intérêts.

[d] King James's Memoirs confirm this rumour, as also D'Avaux's Negociations, 14 Dec. 1684.

[e] Marquis of Halifax. [f] Duke of Buckingham.

[g] The quakers' address was esteemed somewhat singular for its plainness and simplicity. It was conceived in these terms: 'We are come to testify our sorrow for the death of our good friend Charles, and our joy for thy being made our governor. We are told thou art not of the persuasion of the church of England, no more

than we; wherefore we hope thou wilt grant us the same liberty which thou allowest thyself; which doing, we wish thee all manner of happiness.'

[h] Life of lord-keeper North, p. 260. King James's Memoirs, p. 144.

[i] Particularly sir Edward Herbert's Defence in the State Trials, and sir Robert Atkins's Enquiry concerning the dispensing Power.

[k] Rot. Parl. 1 Hen. V, n. 15.

[l] Ibid. 1 Hen. V, n. 22. It is remarkable, however, that in the reign of Richard the Second the parliament granted the king only a temporary power of dispensing with the statute of provisors. Rot. Parl. 15 Rich. II, n. 1. A plain implication that he had not of himself such a prerogative. So uncertain were many of these points at that time.

[m] Sir Edward Coke's Reports, seventh report.

[n] State Trials, vol. vii. first edit. p. 205. Parl. Hist. vol. viii. p. 132. [o] State Trials, vol. v. first edit. p. 171. [p] Sir Edward Coke's Reports, twelfth report, p. 18. [q] Sir Robert Atkins, p. 21.

[r] It is remarkable that the convention, summoned by the prince of Orange, did not, even when they had the making of their own terms in 'the declaration of rights,' venture to condemn the dispensing power in general, which had been uniformly exercised by the former kings of England. They only condemned it so far 'as it had been assumed and exercised of late,' without being able to tell wherein the difference lay. But in the bill of rights, which passed about a twelvemonth after, the parliament took care to secure themselves more effectually against a branch of prerogative incompatible with all legal liberty and limitations; and they excluded, in positive terms, all dispensing power in the crown. Yet even then the house of lords rejected that clause of the bill which condemned the exercise of this power in former kings, and obliged the commons to rest content with abolishing it for the future. There needs no other proof of the irregular nature of the old English government than the existence of such a prerogative, always exercised and never questioned, till the acquisition of real liberty discovered at last the danger of it. See the Journals.

[s] D'Avaux, 10 January, 1687.

[t] The persons named were the archbishop of Canterbury, Sancroft; the bishop of Durham, Crew; of Rochester, Sprat; the earl of Rochester, Sunderland, chancellor Jefferies, and lord chief justice Herbert. The archbishop refused to act, and the bishop of Chester was substituted in his place.

[u] The elections in some places, particularly in York, were transferred from the people to the magistrates, who, by the new charter, were all named by the crown. Sir John Reresby's Memoirs, p. 272. This was in reality nothing different from the king's naming the members. The same act of authority had been employed in all the boroughs of Scotland.

[x] When Charles dissolved his last parliament he set forth a declaration giving his reasons for that measure, and this declaration the clergy had been ordered to read to the people after divine service. These orders were agreeable to their party prejudices, and they willingly submitted to them. The contrary was now the case.

[y] The words of the petition were: 'that the great averseness found in themselves to their distributing and publishing in all their churches your majesty's late declaration for liberty of conscience proceeds neither from any want of duty and obedience to your majesty (our holy mother the church of England being, both in her principles and her constant practice, unquestionably loyal, and having to her great honour been more than once publicly acknowledged to be so by your gracious majesty), nor yet from any want of tenderness to dissenters, in relation to whom we are willing to come to such a temper as shall be thought fit, when the matter shall be considered and settled in parliament and convocation. But, among many other considerations, from this especially, because that declaration is founded upon such a dispensing power as hath been often declared illegal in parliament, and particularly in the years 1662 and 1672, and in the beginning of your majesty's reign; and is a matter of so great moment and consequence to the whole nation both in church and state, that your petitioners cannot, in prudence, honour, or conscience, so far make themselves parties to it as a distribution of it all over the nation, and the solemn publication of it once and again, even in God's house, and in the time of divine service, must amount to in common and reasonable construction.

[z] This story is taken notice of in a weekly paper, the Observator, published at that very time, 23d of August, 1682. Party zeal is capable of swallowing the most incredible story; but it is surely singular that the same calumny,

when once baffled, should yet be renewed with such success.

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[a] Burnet, vol. i. p. 711. D'Avaux, 15th of April, 1688. [b] Ibid. 24th of July, 1681; 10th of June, 15th of October, 11th of November, 1688; vol. iv. p. 30. [c] D'Avaux, 21 January, 1687. [d] Burnet. [e] D'Avaux, 14th and 24th of September, 8th and 15th of October, 1688.

[f] D'Avaux was always of that opinion. See his negociations 6th and 20th of May, 18th and 27th of September, 22d of November, 1688. On the whole, that opinion is the most probable.

[g] That there really was no new alliance formed betwixt France and England appears both from Sunderland's apology, and from D'Avaux's negociations, lately published: see vol. iv. p. 18. Eng. translations, 27th of September, 1687, 16th of March, 6th of May, 10th of August, 2d, 23d, and 24th of September, 5th and 7th of October, 11th of November, 1688.

[h] His grandfather, the first duke of Ormond, had died this year, on the 21st of July.

[i] Such as Rapin, Thoyras, Locke, Sidney, Hoadley, &c. [k] Lord Clarendon's speech to the parliament, Oct. 9, 1665.

[l] Ralph's History, vol. i. p. 288. We learn from that lord's Memoirs, p. 12, that the receipts of the exchequer, during six years, from 1673 to 1679, were about eight millions two hundred thousand pounds, or one million three hundred and sixty-six thousand pounds a year. See likewise p. 169.

[m] Dalrymple's Appendix, p. 142. [n] Journ. 29th of December, 1660. [o] Danby's Memoirs, p. 7. [p] Ibid. p. 65. [q] Journ. 1st of March, 1689. [r] Journ. 20th of March, 1689. [s] D'Estrades, 20th of October, 1666. [t] Pepys's Memoirs, p. 4.

[u] Memoirs of English Affairs, chiefly naval.

[x] Lives of the Admirals, vol. ii. p. 476.

[y] Discourse on the public Revenues, part 2, p. 29, 33, 36. [z] Brief Observations, &c.

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[a] Life of Clarendon, p. 237. [b] Scobel, vol. i. p. 44, 134. vol. ii. p. 88, 230. [c] The duke of Buckingham died on the 16th of April, 1688. [d] Butler died in 1680, aged sixty-eight.

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——— William prince of, is condemned as a rebel, and his possessions confiscated by the duke of Alva, iii. 371. Unites the towns of Holland and Zealand into a league against the Spanish government, 372. Sends an embassy to implore the assistance of Elizabeth, 373. Concludes the treaty called the Pacification of Ghent, 375. Concludes a treaty with queen Elizabeth, 376. Is assassinated by Gerard, 421.

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In order to introduce as many Portraits as possible into this Work, it was judged proper to put them in Groupes; on this Account a difficulty was created respecting the placing of some of them; it has, therefore, been thought proper to put these Groupes of Portraits in such Periods of the History as it could be ascertained the greatest Part of the Persons in each Groupe lived. The undermentioned are, therefore, to be placed as follows:

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Duke of Marlborough	Ditto	ditto

The following Plates were introduced into the Work in consequence of its being originally intended to publish a Continuation of the History, after Hume, but as a Loss of nearly Thirty Thousand Pounds had accrued in the Publication of Hume alone, the Publisher flatters himself his Subscribers will deem this a sufficient Reason for his not publishing the Continuation.—The Disposal, therefore, of the five following Plates will depend on the Pleasure of the Subscriber.

Naval Engagement with Admiral Wager's Portrait at the top of it.
. . . . . Sir George Rook destroying the French Fleet and Spanish Galleons at Vigo, Oct. 12, 1702.
. . . . . Action between the Terrible and Vengeance 1757.
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Coins—Town Pieces.

The following Plate may be used by those who may wish to bind up the Plates of Coins, Medals, &c. &c. by themselves. The upper Part of the Plate is an Oval with Figures, painted by STOTHARD, and engraved by FITTLER.

On a Tablet underneath is the following Inscription:

"Coins, Medals, Ancient Buildings, and other Antiquities, relative to the English History."

This Work is printed in Five Volumes; but, as it is possible many of the Subscribers may wish to have it bound in Ten, the Binder may, in that Case, receive five extra Title-Pages at One Shilling each.

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